

5551. By Mr. KELLY of Pennsylvania: Petition of Bring Home the Soldier-Dead League, McKeesport, Pa., Pittsburgh district, opposing any legislation in favor of the Fish resolution, and favoring the return to America of the bodies of all American soldiers, sailors, and marines who died on foreign soil; to the Committee on Military Affairs.

5552. By Mr. KENNEDY of Iowa: Petition of De La Salle Council, No. 619, Knights of Columbus, Keokuk, Iowa, opposing the Smith-Towner bill; to the Committee on Education.

5553. By Mr. KENNEDY of Rhode Island: Petition of members of Rhode Island District No. 10, Irish National Foresters, protesting against the deportation of Lord Mayor O'Callaghan, of Cork, Ireland, from the United States; to the Committee on Immigration and Naturalization.

5554. By Mr. LAMPERT: Petition from citizens of Reedsville, Wis., protesting against the Smith-Towner bill; to the Committee on Education.

5555. Also, petition of voters of Neenah, Wis., requesting an amendment to the Volstead Act permitting the manufacture and sale of beer and light wines; also protesting against the so-called Sunday blue laws; to the Committee on the Judiciary.

5556. Also, petition of citizens of Menasha, Wis., requesting amendment to the Volstead Act, permitting the manufacture and sale of beer and light wines; also protesting against the so-called Sunday blue-law legislation; to the Committee on the Judiciary.

5557. By Mr. McLAUGHLIN of Michigan: Petition of residents of Suttons Bay, Mich., protesting against the occupation of Germany by French Negro troops; to the Committee on Foreign Affairs.

5558. By Mr. MADDEN: Petition of sundry citizens of Chicago, Ill., favoring beer and light wines and opposing the Sunday blue laws; to the Committee on the Judiciary.

5559. By Mr. NEWTON of Minnesota: Resolution by the Minnesota State Legislature, urging the United States Congress to refrain from placing a duty on lumber imported from the Dominion of Canada; to the Committee on Ways and Means.

5560. Also, resolution of the Northwestern Lumbermen's Association, opposing and protesting against placing a duty on lumber imported from Canada; to the Committee on Ways and Means.

5561. By Mr. O'CONNELL: Petition of Chamber of Commerce of the State of New York, favoring simplification of suits in admiralty against the United States Government; to the Committee on the Judiciary.

5562. Also, petition of Chamber of Commerce of the State of New York, advocating further restrictions on traffic in narcotic drugs; to the Committee on Interstate and Foreign Commerce.

5563. By Mr. PETERS: Petition of Mrs. William G. Ellis and 18 others, of Gardiner, Me., opposing the Smith-Towner bill; to the Committee on Education.

5564. By Mr. SNYDER: Petition of various clergymen and laymen resident in the thirty-third district of New York, opposing the Smith-Towner bill; to the Committee on Education.

5565. By Mr. STINESS: Petition of Catholic Club of Providence, R. I., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5566. By Mr. TINKHAM: Petition of Massachusetts Federation of Churches, Boston, Mass., favoring world disarmament and no increased appropriation for armament; to the Committee on Appropriations.

5567. Also, petition of members of Charles Stewart Parnell Council of the American Association for the Recognition of the Irish Republic, protesting against the deportation of Lord Mayor O'Callaghan; to the Committee on Immigration and Naturalization.

5568. By Mr. YATES: Petition of Julius Kespohl, of Quincy, Ill., protesting against the reduction of appropriation for encouraging of horse breeding to \$100,000; to the Committee on Appropriations.

5569. Also, petition of Woman's Home Missionary Society, Methodist Episcopal Church, Sycamore, Ill., by Mrs. Frank Millet, temperance secretary, favoring the Sheppard-Towner bill and similar legislation; to the Committee on Interstate and Foreign Commerce.

5570. Also, petition of Free Sewing Machine Co., Rockford, Ill., by Mr. V. M. Johnson, general manager, proposing as an emergency measure that the Payne-Aldrich tariff of 1909 be substituted for the Underwood Act of 1913; to the Committee on Ways and Means.

5571. Also, petition of Illinois Manufacturers' Association, Chicago, by Mr. G. R. Meyercord, president, urging a larger appropriation than \$567,760 for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

5572. Also, petition of Rev. Unar Blough, pastor Church of the Brethren, Pleasant Mound, Ill., favoring the Fess-Capper bill (H. R. 12052); to the Committee on Education.

5573. Also, petition of the Whig Journal, Quincy, Ill., by A. O. Lindsay, asking at least \$2,000,000 as an appropriation for the development and use of the upper Mississippi River; to the Committee on Rivers and Harbors.

5574. Also, petition of Tonk Manufacturing Co., Chicago, urging the passage of the Winslow measure; to the Committee on Interstate and Foreign Commerce.

5575. Also, petition of Johnson Bros. Coal Co., Chicago, protesting against Senate bill 4828; to the Committee on Interstate and Foreign Commerce.

5576. By Mr. YOUNG of North Dakota: Petition of Towner Post, No. 34, American Legion, of Towner, N. Dak.; Johnson-Melary Post, No. 115, American Legion, of Hettinger, N. Dak.; and Raymond B. Thorne Post, No. 30, American Legion, of New Rockford, N. Dak., favoring legislation to provide better hospital facilities for disabled war veterans, etc.; to the Committee on Ways and Means.

5577. By Mr. ZIHLMAN: Petition of Baltimore Chapter of the American Officers of the Great War, opposing the Army reorganization bill; to the Committee on Military Affairs.

5578. Also, petition of the Rotary Club of Baltimore, Md., favoring a "turnover tax"; to the Committee on Ways and Means.

SENATE.

* TUESDAY, February 8, 1921.

(Legislative day of Saturday, February 5, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McNary	Smith, S. C.
Brandagee	Heflin	Nelson	Smoot
Capper	Jones, Wash.	New	Townsend
Dial	Kellogg	Overman	Trammell
Dillingham	Kendrick	Ransdell	Walsh, Mass.
Fernald	Kenyon	Reed	Warren
Gay	King	Robinson	Williams
Glass	La Follette	Sheppard	Willis
Gooding	Lenroot	Simmons	
Gronna	McKellar	Smith, Ariz.	
Harris	McLean	Smith, Ga.	

Mr. SMOOT. I was requested to announce that the Senator from Vermont [Mr. PAGE], the Senator from Washington [Mr. POINDEXTER], the Senator from Maine [Mr. HALE], the Senator from Illinois [Mr. McCORMICK], the Senator from New Hampshire [Mr. KEYES], the Senator from Delaware [Mr. BALL], and the Senator from Maryland [Mr. SMITH] are engaged in a hearing before the Senate Committee on Naval Affairs.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The roll of absentees will be called.

The reading clerk called the names of the absent Senators, and Mr. CURTIS answered to his name when called.

Mr. SMITH of Maryland, Mr. McCORMICK, Mr. BALL, Mr. POINDEXTER, Mr. HALE, Mr. KEYES, Mr. FRANCE, Mr. COLT, Mr. WOLCOTT, Mr. SPENCER, Mr. UNDERWOOD, Mr. WADSWORTH, Mr. McCUMBER, Mr. CULBERSON, Mr. HITCHCOCK, Mr. SWANSON, Mr. PITTMAN, and Mr. BORAH entered the Chamber and answered to their names.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed without amendment bills of the Senate of the following titles:

S. 4515. An act to extend the time for the construction of a bridge across the navigable waters of the Newark Bay, in the State of New Jersey;

S. 4541. An act to extend the time for the construction of a bridge across the Susquehanna River at Harrisburg, Pa.;

S. 4587. Granting the consent of Congress to the counties of Brooks and Lowndes, in the State of Georgia, to construct a bridge over the Withlacoochee River;

S. 4603. An act to revive and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corpora-

tion existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the Bay and Blakely Island, in Baldwin and Mobile Counties, Ala., approved October 5, 1917;

S. 4737. An act authorizing the Prescott Bridge Co. to construct a bridge across Lake St. Croix, at or near the city of Prescott, in the State of Wisconsin;

S. 4787. An act granting consent for the construction, maintenance, and operation of a bridge across the Delaware River from the city of Philadelphia, Pa., to the city of Camden, N. J.;

S. 4825. An act to extend the time for the construction of a bridge across the Columbia River, between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon;

S. 4886. An act to revive and reenact the act entitled "An act to authorize the Hudson River Connecting Railroad Corporation to construct a bridge across the Hudson River, in the State of New York," approved March 13, 1914;

S. 4949. An act to authorize the building of a bridge across the Santee River, in South Carolina;

S. 4950. An act to authorize the building of a bridge across the Pedee River, in South Carolina; and

S. 4951. An act to authorize the building of a bridge across the Wateree River, in South Carolina.

The message also announced that the House had passed with an amendment the joint resolution (S. J. Res. 186) to extend the authority of the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa., in which it requested the concurrence of the Senate.

The message further announced that the House had passed with amendments the bill (S. 4205) to amend section 4, chapter 1, of Title I, of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 2328. An act relating to the title to land to be acquired as a site for a post-office building at Spring Valley, Ill.;

H. R. 12157. An act to amend an act of Congress approved June 30, 1913;

H. R. 12396. An act to amend an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea," approved March 4, 1915;

H. R. 13606. An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River;

H. R. 15011. An act authorizing the Secretary of the Interior to offer for sale remainder of the coal and asphalt deposits in segregated mineral land in the Choctaw and Chickasaw Nations, State of Oklahoma;

H. R. 15131. An act to authorize the construction of a bridge across the Hudson River between the city of Troy, in the county of Rensselaer, and the city of Cohoes, in the county of Albany, State of New York;

H. R. 15271. An act granting the consent of Congress to the Majestic Collieries Co. to construct a bridge across the Tug Fork of Big Sandy River, at or near Cedar, in Mingo County, W. Va., to the Kentucky side, in Pike County, Ky.;

H. R. 15750. An act to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Burnham, in said county;

H. R. 15769. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico;

H. R. 15873. An act to authorize the appropriation of additional sums for Federal aid in the construction of post roads, and for other purposes;

H. R. 15894. An act to authorize an appropriation to enable the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the Bureau of War Risk Insur-

ance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes; and

H. R. 15943. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. ASHURST presented the following joint memorial of the Legislature of Arizona, which was referred to the Committee on Foreign Relations and ordered to be printed in the Record:

House joint memorial 1.

To His Excellency Woodrow Wilson, President of the United States of America, and to the Senate and the House of Representatives of these United States in Congress assembled:

Your memorialist, the Fifth Legislature of the State of Arizona, respectfully represents that

Whereas the frightfulness of the World War, its tragedies, its untold horrors, its hardships, its sufferings, and its terrible consequences are fresh in the memory of all men; and

Whereas the whole world to-day is staggering under the burden of debt directly due to that herculean struggle; and

Whereas we are convinced that only through the abandoning of warfare may peace and prosperity be restored generally throughout the earth; and

Whereas this condition can be brought about only by a mutual agreement among the great powers of the world to lay aside forever the means and instruments of waging war; and

Whereas such step can be taken only through adoption of a general policy of disarmament; and

Whereas we are informed that a request is to be made by the Congress upon the President of the United States to call the principal nations of the earth into a conference to discuss plans for an international disarmament: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the State of Arizona do most urgently represent to the Congress and the President of these United States, memorialized to, the great gravity of such proposed action as requested of the President, together with our profound conviction of the great wisdom of such action and the immeasurable good which may come of it; and be it further

Resolved, That copies of this memorial and of these resolutions be presented to His Excellency the President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Senate, and to each of our Representatives in Congress, with the urgent prayer that the matters referred to therein be accorded deep and favorable consideration.

Adopted by the house January 18, 1921.

P. O'KEEFE,
Speaker of the House.
OSCAR ZAPP,
Chief Clerk of the House.

Adopted by the senate January 27, 1921.

H. B. WILKINSON,
President of the Senate.
ROY N. DAVIDSON,
Secretary of the Senate.

Approved January 27, 1921.

THOMAS E. CAMPBELL,
Governor of Arizona.

Mr. McLEAN presented a resolution of the Connecticut Civil Service Reform Association, of New Haven, Conn., favoring legislation providing for the appointment of prohibition agents under civil-service rules, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Chamber of Commerce of Norwich, Conn., praying for the enactment of legislation providing for daylight saving, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Club of New Milford, Conn., praying for the enactment of legislation increasing the appropriation for home economics in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Right Rev. John J. Nilan, Bishop of Hartford; sundry parish priests of Waterbury; Santa Maria Circle No. 27, National Daughters of Isabella, of Waterbury; and Rev. Jean Roux, pastor of St. James Catholic Church, of Danielson; all in the State of Connecticut, remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented resolutions of the New England Workers' Association, of Waterbury, and Excelsior Lodge, No. 259, International Association of Machinists, of Derby, both in the State of Connecticut, favoring the resumption of trade relations with soviet Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of G. S. Pratt, scout executive, of Bridgeport Council Boy Scouts of America, of Bridgeport, Conn., praying for the enactment of legislation to consolidate the Bureau of War Risk Insurance, the Public Health Service, and the Federal Board for Vocational Education, which was referred to the Committee on Finance.

Mr. TOWNSEND presented telegrams in the nature of memorials from the Women's Literary Club, of Pontiac; Hancock Council, No. 692, Knights of Columbus, of Hancock; and the

Catholic Order of Foresters, of Hancock, all in the State of Michigan, remonstrating against the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Suttons Bay, Mich., protesting against present conditions in the occupied zone of the Rhine in respect to the presence and action of French colonial troops, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Maryland presented petitions of the Principals' Association of Baltimore, and the Parents-Teachers Club of Tench Tilghman School, No. 13, of Baltimore, both in the State of Maryland, praying for the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

He also presented a memorial of Daughters of Isabella, Court Hagerstown, No. 273, of Hagerstown, Md., remonstrating against the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

Mr. BALL presented memorials of Alice Batterbury, Frank M. Rogers, Elizabeth Bradford, Peter Rogers, J. F. Haly, Mrs. J. F. Haly, P. J. O'Hara, Eleanor F. Berry, Mrs. Jane A. Forrest, Anna T. O'Hara, J. F. Gillespie, John P. Forrest, John H. Forrest, Joseph A. Forrest, Mrs. S. Healy, Joseph P. Healy, and S. Healy, all in the city of Wilmington, Del., remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented memorials of Helen M. Casey, Agnes M. Horthy, Mary L. Horthy, and Mary E. Peach, all of Wilmington, Del., remonstrating against the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

Mr. WILLIS presented a resolution adopted by a citizens' mass meeting at Newark, Ohio, favoring the recognition for the independence of Ireland, which was referred to the Committee on Foreign Relations.

He also presented petitions of priests of St. Agnes Church, of Cleveland; sundry members of the Holy Name Society of Holy Name Parish, of Cleveland; and Mansfield Trades Council, of Mansfield, all in the State of Ohio, praying for the recognition of the independence of Ireland, which were referred to the Committee on Foreign Relations.

Mr. WOLCOTT presented memorials of Helen M. Casey, Agnes M. Horthy, Mary L. Horthy, and Mary E. Peach, all of Wilmington, Del., remonstrating against the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

Mr. CAPPER presented resolutions of the Flowerdale Local, No. 1701, of the F. E. and C. U. of A., of Harper County, of Anthony, Kans.; Tyler Local Union No. 3229, of F. E. and C. U. of A., of Tyler, Ark.; and Pike County Farmers' Union, No. 58, of Delight, Ark., favoring legislation to prohibit gambling in grain products, which were referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD (for Mr. CHAMBERLAIN) presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozier, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 6, with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state February 3, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon. In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Ore., this 3d day of February, A. D. 1921.

[SEAL.]

SAM A. KOZIER,
Secretary of State.

Senate joint memorial 6.

To the honorable Senators and Representatives in Congress assembled:

Whereas a condition of great suffering exists in many parts of Europe, particularly among the women and children; and
Whereas the various European Governments are unable to relieve the distress; and

Whereas the American people are now being appealed to by Herbert Hoover, chairman of the European Relief Council, for assistance in keeping helpless children alive until another harvest, to which a universal and hearty response is being made, notwithstanding the frequency of other appeals of a similar nature; and

Whereas the contributions made by the American people will be expended for foodstuffs and clothing; and

Whereas the War Department of the United States has for many months widely advertised the sale of surplus food and clothing owned by the United States Government at prices not only far below their cost to the Government, but also below the retail cost of similar commodities, and with further great discounts, which discounts are being taken advantage of by dealers and speculators for profit: Now, therefore, be it

Resolved, that the Congress of the United States be and it hereby is memorialized to enact appropriate legislation to the end that said condition of distress be relieved so far as possible by said supplies of food and clothing; be it further

Resolved, That the secretary of state be and he is authorized and directed to transmit a copy of this memorial to each Senator and Representative in Congress from Oregon.

Passed by the senate, January 28, 1921.

(Signed)

ROY W. RITNER,
President of the Senate.

Passed by the house, February 2, 1921.

(Signed)

LOUIS E. BEAN,
Speaker of the House.

Indorsed: Senate joint memorial No. 6.

Introduced by Senator Hare,
JNO. F. HUNT,
Chief Clerk.

Filed February 3, 1921.

SAM A. KOZIER,
Secretary of State.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. SPENCER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2252) making an appropriation to pay the State of Massachusetts for expenses incurred and paid at the request of the President in protecting the harbors and fortifying the coast during the Civil War (Rept. No. 764); and

A bill (S. 3487) for the relief of Clarence L. Reames (Rept. No. 765).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 4991) for the relief of Kristina Furjak; and

A bill (S. 4992) for the relief of William E. Lewis; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 4993) granting a pension to Albert Kirkbride (with accompanying papers); to the Committee on Pensions.

A joint resolution (S. J. Res. 253) suggesting that American supplies be purchased, as far as practicable, with American funds contributed for foreign relief; to the Committee on Foreign Relations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on January 27, 1921, approved and signed the bill (S. 3994) validating certain applications for and entries of public lands, and for other purposes.

DISTRICT COURT FOR ALASKA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4205) to amend section 4, chapter 1 of Title I of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes.

Mr. NELSON. I move that the Senate disagree to the amendments of the House of Representatives to the bill, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. KELLOGG, Mr. BRANDEGEE, and Mr. WALSH of Montana conferees on the part of the Senate.

SUSQUEHANNA RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 186) to extend the authority of the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa., which was, on page 2, after line 3, to insert, "The right to amend, alter, or repeal this act is hereby expressly reserved."

Mr. KNOX. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 2328. An act relating to the title to land to be acquired as a site for a post-office building at Spring Valley, Ill.; to the Committee on Public Buildings and Grounds.

H. R. 12157. An act to amend an act of Congress approved June 30, 1913; to the Committee on Indian Affairs.

H. R. 12396. An act to amend an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915; and

H. R. 13606. An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; to the Committee on Commerce.

H. R. 15011. An act authorizing the Secretary of the Interior to offer for sale remainder of the coal and asphalt deposits in segregated mineral land in the Choctaw and Chickasaw Nations, State of Oklahoma; to the Committee on Indian Affairs.

H. R. 15131. An act to authorize the construction of a bridge across the Hudson River between the city of Troy, in the county of Rensselaer, and the city of Cohoes, in the county of Albany, State of New York;

H. R. 15271. An act granting the consent of Congress to the Majestic Collieries Co. to construct a bridge across the Tug Fork of Big Sandy River at or near Cedar, in Mingo County, W. Va., to the Kentucky side, in Pike County, Ky.;

H. R. 15750. An act to authorize the construction of a bridge across the Little Calumet River in Cook County, State of Illinois, at or near the village of Burnham, in said county; and

H. R. 15769. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico; to the Committee on Commerce.

H. R. 15873. An act to authorize the appropriation of additional sums for Federal aid in the construction of post roads, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 15894. An act to authorize an appropriation to enable the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes; to the Committee on Appropriations.

H. R. 15943. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes; to the Committee on Military Affairs.

NATIONAL ASSOCIATION FOR CONSTITUTIONAL GOVERNMENT.

Mr. THOMAS. Mr. President, I have received to-day from Dr. David Jayne Hill a letter protesting, and I think properly so, against the inclusion of the National Association for Constitutional Government in the lobby list of the Literary Digest which I read into the RECORD the other day. I ask permission to have this letter inserted in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The letter referred to is as follows:

NATIONAL ASSOCIATION FOR CONSTITUTIONAL GOVERNMENT,
Washington, D. C., February 7, 1921.

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: Referring to the article in the Literary Digest of October 30, 1920, made a part of the RECORD in your speech in the Senate on February 2, I note that under the heading "Watchful lobbies and lobbyists that camp in Washington" the Digest includes the National Association for Constitutional Government.

Permit me, very respectfully, to call your attention to the fact that the National Association for Constitutional Government is in no sense a lobby or under the control of lobbyists, never having in any case attempted any form of direction action upon any department of the Government. It is strictly an educational institution designed to explain and defend the existing constitutional system on which the Government of the United States is based and particularly the Constitution of the United States, which every officer of the Government has sworn to defend. This association is not in the service of any private or corporate group or interest. Its reason for existence is the necessity, felt by more than a thousand American citizens who contribute to its support and by the officers without remuneration who serve it, of explaining in quarters where it seems necessary to explain and defend our existing system of government against the attacks of those who for different motives are working to destroy it.

You will, I think, consider it not improper for me to make the above statement in order that you may be informed of the error of classing the National Association for Constitutional Government with the associations and other groups in which the writer of the article has placed it.

Respectfully, yours,

DAVID JAYNE HILL.

SUNDRY CIVIL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15422) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

The VICE PRESIDENT. The pending amendment is the committee amendment as amended on pages 21, 22, and 23 of the bill.

Mr. LENROOT. I offer the amendment to the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 21, line 15, after the word "authorized," insert "within the limits of the appropriations made herein," so as to read:

The Secretary of the Treasury is authorized within the limits of the appropriations made herein to provide additional hospital and outpatient dispensary facilities for persons who served in the World War and are patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation.

The amendment to the amendment was agreed to.

Mr. ROBINSON. Mr. President, I offer, to be incorporated after the last line of the committee amendment, an amendment to the committee amendment. I ask the attention of the chairman of the committee and the Senator from Utah [Mr. Smoot] to the language of the amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. Add at the end of the amendment heretofore agreed to, at the end of line 10, page 24, the following:

That hereafter, in addition to the officers of the regular corps now authorized, there shall be 350 additional medical officers commissioned in said corps, and medical officers of the Public Health Service who have a total of not less than three years of satisfactory service in the Army, Navy, or Public Health Service, a part of which service must have been between April 6, 1917, and November 11, 1918, may be commissioned in the regular corps of the Public Health Service by the President, by and with the advice and consent of the Senate, in the several grades of the Public Health Service in accordance with regulations prescribed by the President: *Provided*, That no medical officer shall be commissioned or promoted under this act until after passing before a board of regular commissioned officers of the Public Health Service such examination as the President may prescribe: *Provided further*, That medical officers of the Public Health Service shall have the same grades and pay and allowances according to grades which are now or may hereafter be provided for medical officers of the Army, excepting retirement for age.

Mr. ROBINSON. Mr. President, there are now in the—

Mr. WARREN. Mr. President, I do not wish to take the Senator from his feet, but I must make a point of order against the proposed amendment to the amendment. It is extreme legislation.

Mr. ROBINSON. In all probability the amendment to the amendment is subject to a point of order, and if the Senator from Wyoming insists upon the point of order I am inclined to think it will be sustained. However, I have adopted the policy of not making points of order against amendments the provisions of which I am satisfied ought to be adopted. I wish to take a little time to see if I can convince the chairman of the committee that this proposed legislation ought to be enacted.

Mr. WARREN. Mr. President—

Mr. ROBINSON. I yield to the Senator.

Mr. WARREN. If the Senator desires to present this matter, it should be done in the regular way by legislative action before it is taken up on an appropriation bill.

Mr. ROBINSON. That is true, but the difficulty about the matter is that Congress has not legislated, and, in view of the urgency of many other questions, there is but little likelihood that it will legislate concerning it during the present session or in the early future. As a result of the failure of Congress to legislate—and the Senator from Wyoming seems to admit that it ought to legislate upon the subject—the service will suffer.

Mr. WARREN. No, Mr. President, I do not say that Congress ought to legislate; but if the matter is to be presented to Congress it ought, of course, to be put in shape before being presented, and that would only be by proper legislation.

Mr. ROBINSON. It has been put in shape; and if the Senator will permit me I will make a statement showing the necessity of the incorporation of this provision.

There are now in the Public Health Service 200 regular medical officers; there are also approximately 800 reserve officers. If this amendment be agreed to, it will still make necessary the retention and employment of a large number of reserve officers. There is not the slightest likelihood that the number of officers required to perform the service will be diminished in the early future; on the contrary, the number is going to increase as the needs of the service increase for some years to come.

The work can be performed through regular medical officers more expeditiously, more efficiently, and at less cost than it can be accomplished through reserve officers. One who occupies the status of employment in this service of a reserve officer realizes that his employment is in a sense temporary; that he is liable to be displaced. The result is that the service finds itself paying more in order to secure the aid of reserve officers than those officers would be willing to accept if they were given the status that is contemplated by the amendment. There is not any doubt that a larger number of officers will be required in addition to those now authorized than the amendment provides for. There is not any doubt in my mind that if Congress investigates the subject and legislates upon it it will create many more officers than are contemplated by the amendment. Then why wait? Why not incorporate the amendment in the bill?

The Surgeon General has stated to me, and authorizes me to state to the Senate, that he feels an overwhelming responsibility in connection with this service; that he is almost overwhelmed by it; and he appeals to Congress to give him this additional help and this additional authorization.

I desire some Senator to take the trouble to give a single substantial reason, in view of the admitted fact, why we should not legislate now. We are constantly legislating on appropriation bills whenever we think the matter presented is urgent enough to justify disregard of the rule forbidding legislation on a general appropriation bill.

Since I began service in the Senate eight years ago a single general appropriation has not passed that did not contain legislation in violation or in disregard of the rule to which I have referred. So it simply becomes a question of fact whether the proposition presented is important enough and urgent enough to justify Senators, in their opinion, in disregarding a rule which they have made for their own procedure. Therefore I appeal to the Senator from Wyoming, in view of these facts, not to make a point of order against the amendment, but to let the Senate express its will on the subject.

Let me make merely one additional statement. There are now in operation under the Public Health Service 60 hospitals of all kinds. There are also 1,200 contracts with private hospitals. Those 60 hospitals now operated by the Public Health Service are constantly being increased in number, and under legislation which the Senate enacted on yesterday the number of hospitals will be increased. Consequently the number of officers required for their proper administration is also increased.

If it be true, as stated by the Surgeon General, that regular officers can be procured at less expense and that upon the whole case their services will be more satisfactory, then why not give him regular officers? If there were a question as to whether or not the amendment provided more officers than are admittedly needed a point of order might be justified; but when the amendment calls for only approximately half of the number of officers actually needed, when the opinion of the Surgeon General is to the effect that by the adoption of the amendment—which he prepared—the service will be greatly improved, I can not comprehend why a Senator would feel justified in making a point of order against the amendment. I should like to have the Senate vote on the amendment, if the Senator from Wyoming will be kind enough to permit it to do so.

Mr. SMOOT. Mr. President, I wish that a full Senate were present, as I should like to make a statement in reference to this matter and call the attention of the Senate to what is going on in the Public Health Service. Before very much more money is appropriated for that service I desire a thorough investigation of it to be made.

We all know the Surgeon General. I think he is a perfectly honest man; but he is surrounded by men who have no respect whatever for any action taken by Congress, and, if the program which has been mapped out by them shall be carried out, God have mercy upon the Treasury of the United States. They are violating the law to-day.

Senators, do you know what they are doing in the Public Health Service? About a month ago I wrote to the Secretary of the Treasury and asked him to send me all of the regulations for the government of the United States Public Health Service. In answer to that letter I was sent a copy of the printed regulations. The printed regulations were not what I wanted. I wanted the regulations that were approved on March 29, 1920, and when I asked for them in a letter I was told that they were not printed; that they were only in mimeographic form. I requested, then, a copy of those regulations in mimeographic form, and I received a copy. The Senators should know what is taking place under said regulations. For instance, take the one item of four persons termed administrative assistants. Those employees are not commissioned officers nor have they

been confirmed by the Senate; they have never been appointed by the President of the United States; they are not medical officers within the terms of the law, and yet we find those administrative assistants paid salaries, paid longevity, paid commutation, and, in addition, given the congressional bonus. Is there any law for it? No. What is the result? I find in the Marine Hospital Division administrative assistants, one of the first class, length of service two years and nine months; salary, \$2,000; longevity pay, \$800; commutation, \$623.80; total salary, \$3,423.80.

Here is one of the second class of nine months' service: Salary, \$1,800; longevity pay, \$180; commutation, \$623; bonus, \$240; or a total of \$2,843.80.

Mr. SMITH of Arizona. And longevity did not mean long service.

Mr. SMOOT. It meant service in this instance of nine months at a clerk's desk.

Mr. JONES of Washington. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield to the Senator from Washington.

Mr. JONES of Washington. I ask the Senator if there is any law under which they are authorized to pay longevity and allow commutation of quarters, and so on?

Mr. SMOOT. No; that is what I am objecting to and what I am calling the attention of the Senate to.

Mr. JONES of Washington. I wanted to make that clear.

Mr. SMOOT. I have spent many days looking this question up. Only last Sunday I went into the details of the report which I received in answer to a letter addressed to the Secretary of the Treasury requesting the information. The situation is awful. Why, Mr. President, they are doing the same thing for nurses and for clerks. Where are we going and what will the end be?

Take the superintendent of nurses. How is she paid? With a service of 1 year and 10 months she receives a salary of \$2,460, her commutation is \$780, her bonus is \$240, and her total salary is \$3,480.

The assistant nurse, with a service of 1 year and 3 months, receives a salary of \$1,770, a commutation of \$780, a bonus of \$240—receiving \$2,790. Commutation means in lieu of quarters.

Mr. SMITH of South Carolina. Why do they get commutation?

Mr. SMOOT. Why, they are allowed so many rooms, and if they do not take the rooms they are given \$65 a month extra, and, of course, they do not take the rooms, and get the commutation.

Mr. SMITH of Arizona. What authority of law is there for that?

Mr. SMOOT. None whatever.

Mr. SMITH of Arizona. No authority of law?

Mr. SMOOT. None whatever.

Mr. JONES of Washington. Mr. President, will the Senator advise me how it happens that the comptroller passes these accounts and authorizes the payments in accordance with this regulation, when there is no authority for it?

Mr. SMOOT. Mr. President, I have that matter under investigation right now, and I do not want to make statements until I find out definitely, but I have been told why this has been done, but have not concluded my investigation.

Mr. SMITH of South Carolina. Does not this come under the law regulating Army service?

Mr. SMOOT. The law specifically provides for medical officers. Commissioned medical officers are appointed by the President, and they are confirmed by the Senate of the United States.

Why, take the France Lill, asking for 828 more officers. If granted, it will allow employees I have referred to to be appointed commissioned officers.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. ROBINSON. The appointment of regular medical officers would relieve much of the criticism that the Senator is making against the present service.

Mr. SMOOT. Yes; I am perfectly aware of that.

Mr. ROBINSON. I may be anticipating the Senator, but why would the Senator oppose the authorization of additional medical officers? The statute then would fix their compensation according to their ranks and their grades; and if such a condition as is described by the Senator from Utah exists in the Public Health Service, to the extent that we authorize medical officers where they are needed we would relieve that condition.

I want to say, in justice to the Surgeon General and to the Public Health Service, that while I have no knowledge of the

matters of which the Senator from Utah is speaking, and have not investigated the expenditures of that service, I have been informed by the Surgeon General and by others in his office that the failure of Congress to authorize the necessary officers to handle this work has imposed great embarrassment and great difficulties upon the service; and the Surgeon General, as I have stated before, feels a very great responsibility in the matter, and wants this amendment very much, indeed, insisting that it will help and relieve him from some of the difficulties, at least, that have grown up under the system now in force in the Public Health Service.

Mr. SMOOT. I have a great deal of sympathy with the Surgeon General. He is, no doubt, an honest man.

Mr. ROBINSON. Mr. President, if the Senator will pardon me, my acquaintance with the Surgeon General does not justify the imputation of the remarks of the Senator from Utah that while he is good and honest, he is incompetent, inefficient, and the easy tool of crooks who are surrounding him in the service. I think the Senator, in making a charge of that sort—

Mr. SMOOT. I have not made such a statement.

Mr. ROBINSON. The Senator did in the beginning.

Mr. SMOOT. No; I have not made any charge that he is the tool of crooks.

Mr. ROBINSON. If the Senator will pardon a further interruption, the Senator did say a few moments ago, in the beginning of his address—I recall it distinctly, and I know that the RECORD will show that the Senator said it—that while the Surgeon General was a good man, he was surrounded by very bad characters.

Mr. SMOOT. No; I did not.

Mr. ROBINSON. The Senator did not use the word "crooks," but he used other language which may be very modestly comprehended within the term "bad character"—men who had no regard for the law and no regard for the service.

Mr. SMOOT. I did say men who had no regard for the law.

Mr. ROBINSON. Now, Mr. President, I think the Senator ought to be a little more specific in that declaration. I know officers in the Public Health Service who are just as conscientious in the performance of their duty and just as desirous of maintaining their reputations as public officers as the Senator from Utah can be and as I myself can be, and I would not think of taking advantage of my privilege as a Senator to make a general charge of that sort. If I knew officers in the Public Health Service who were abusing their relationship with the Surgeon General as the Senator from Utah has stated, I would name those officers and take the responsibility of my statement, and I would thus relieve the other officers in that service who are just as good and dutiful as the Senator from Utah from the odium of a general charge which I know can not be substantiated against all the officers in that bureau.

Mr. SMOOT. Nor have I said it, and I want an investigation; and when that investigation is made I am quite sure that it will bring out some very, very interesting results.

The pending amendment offered is a modification of the France amendment, and of course the Public Health Service want these officers. Why, Mr. President, do you know where we are drifting to? When these employees are commissioned officers, as soon as they reach the age of 64 they are retired, and it will not be long until we have a retired list of officers of the Army and the Navy and the Coast Guard and the Public Health Service that will be burdensome on the taxpayers of this country to carry.

Why, take the Coast Guard in this bill, and what do we find? In that little service we find that there are retired commissioned officers to the number of 71, costing the Government \$210,054 a year. We find that there are 508 retired warrant officers in the Coast Guard, receiving an annual compensation of \$534,600. Has it come to this that we must take employees and commission them as officers of the Public Health Service or the Coast Guard and use them for common, ordinary clerks, so that they can be paid longevity, commutation, and paid, after they reach the age of 64, three-quarters of their annual pay?

I am admonished by the chairman of the committee that he would like to get through with this bill to-day. This is too long a subject to discuss thoroughly at this time, but it is only another evidence of the fact that the law is nothing compared with department regulations.

Why, take the War Risk Insurance Bureau. The Senator from Mississippi [Mr. WILLIAMS] was one of the subcommittee that agreed upon the law creating it, and the law relating to compensation to the soldiers. The law provided that where there was a total disability, the soldier was to receive \$100 a month as long as he lived. We all agreed to it; we all voted for it; we all thought it was a provision that ought to be made by law to take care of the soldier that had offered his life, and

through that offer had become totally disabled to perform manual labor. What happened? There is a regulation put in operation now that if a soldier had a leg broken, and he remained in the hospital six months and one minute, no matter whether he completely recovers within one month afterwards and able to go to work, he is to draw a compensation of \$100 a month as long as he lives. Neither the Senator from Mississippi [Mr. WILLIAMS] nor the Senator from Georgia [Mr. SMITH] nor the Senator from Utah had any such idea when that law was passed; but regulations are greater than laws. Department heads now are greater than the Congress of the United States, and regulations are made to take money out of the Treasury of the United States.

Mr. President, for the RECORD I want to read that regulation. It is Regulation No. 57, a copy of which I received the other day:

Where the disabled person is on the date of the issuance of this regulation, or hereafter shall be, either an inmate of a hospital or asylum during a continuous period of six months or more; or on the date of the issuance of this regulation is, or hereafter shall be, rated as totally disabled or totally and temporarily disabled for a continuous period of six months or more, and be unable to follow continuously any substantially gainful occupation during such six months; and in addition at the time of the medical examination hereinafter prescribed shall be found then to be in such physical or mental condition as to require further hospitalization or otherwise unable to follow continuously any substantially gainful occupation.

Mr. President, I am told that that regulation is costing the Government of the United States, and has for the last two months, from the date that it was put in operation, nearly a million dollars a day—a mere regulation!

Mr. OVERMAN. Mr. President, how does it pass the comptroller? Has the Senator inquired whether he regards a regulation as a law?

Mr. SMOOT. Why, Mr. President, I take it for granted that this regulation has been decided upon by Mr. Cholmeley-Jones and his assistants and put in operation, and the comptroller O. K.'s the claim, and they recognize the rating of disability given by the board created in that bureau.

Mr. OVERMAN. There is no authority for it.

Mr. SMOOT. There is another peculiar thing in the way of regulation in connection with that which I do not believe was intended by Congress, although I can not say that with authority. There are certain accidents or disabilities which come to a soldier in war, and they have been rated as to the percentage of total disability. For instance, if a soldier loses an arm, it has been decided that that is 84 per cent disability; in other words, when a soldier loses an arm he gets \$84 a month instead of \$100. But now we have a regulation that if the soldier who has an 84 per cent disability should have a varicose vein he gets 10 per cent more, which would make 94 per cent; and if, perchance, he should have something the matter with one eye and received a rating on that of 6 per cent, that would make 100 per cent, and he would draw \$100 a month as long as he lived.

I know it is very popular indeed to give every conceivable advantage to the soldier; but remember, Mr. President, there are millions of them coming whom we will have to take care of in some way, and we ought at least to adhere strictly to the law.

Mr. President, I think the amendment offered by the Senator from Arkansas is a very unwise one at this particular time.

Mr. ROBINSON. Mr. President, the Senator from Utah almost had a stroke of apoplexy when denouncing the activities of the Public Health Service. If it be true that for lack of adequate regular officers the Public Health Service has been compelled to pay larger salaries than it would otherwise have to pay, then I want to ask the Senate why the argument of the Senator from Utah does not intrench rather than overthrow my position, and why it does not support rather than defeat this amendment?

As illustrative of the temper and spirit the Senator from Utah displayed during the course of his remarks in attacking some mysterious, unnamed, and unknowable person associated with the Public Health Service, he declared that this amendment authorized retirement for age of public health officers, and the greater part of his criticism was directed against such a provision. He went ahead to refer to the number of officers who are retired in the Coast Guard Service, and pictured the detriment that would come to the Treasury of the United States if employees of the Public Health Service, or any considerable number of them, were granted a regular status.

But, Mr. President, the Senator from Utah was furnished with an exact copy of my amendment. My amendment expressly excepts the officers authorized under this provision from retirement.

Mr. WALSH of Massachusetts. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. ROBINSON. I yield.

Mr. WALSH of Massachusetts. I think it ought to appear in the RECORD just what public authorities support the amendment the Senator has offered.

Mr. ROBINSON. I shall be very glad to have them stated.

Mr. WALSH of Massachusetts. I would like to add, in addition to the public officials whom I know the Senator is about to name, that the officers of the American Legion heartily support the amendment he has offered.

Mr. ROBINSON. I thank the Senator for his suggestion. The Secretary of the Treasury yesterday sent to the chairman of the Committee on Appropriations not only a letter appealing for additional authorization for hospital purposes, but a letter appealing for this authorization for additional officers, and during the course of this debate, and before the bill is passed, I intend to put that letter in the RECORD and show where the Secretary of the Treasury and the Surgeon General of the Public Health Service stand upon these questions.

A controversy arose yesterday in the Senate in which the declaration was made that the Surgeon General had, inferentially at least, stated that the amount carried in the committee amendment is adequate for immediate requirements. The fact is that he had dispatched a letter to the chairman and members of the Committee on Appropriations, expressly declaring that there is urgent need for the authorization for these officers, and, as suggested to me by my friend the Senator from Massachusetts [Mr. WALSH], while the appropriation is helpful, it would be far more helpful if the Congress would provide the necessary officers to properly disburse it and control its expenditures. Congress is not practicing economy by perpetuating the conditions which exist in the Public Health Service. It would practice economy if it gave these regular officers the status of regular officers, and placed upon them the responsibility that attaches to such positions.

Mr. President, not only have the Secretary of the Treasury and the Surgeon General of the Public Health Service appealed for this legislation and this authorization, but the American Legion, representing directly sick and disabled soldiers, has indorsed this provision.

Now we are told by the Senator from Utah that because of the fact that the Public Health Service has been unable to secure regular officers, owing to limitations of law, they have been compelled to pay excessive salaries. Whether that condition exists or not, I do not know. The Senator from Utah usually investigates matters before he makes such declarations. But if it is a fact, it is an enforcement and a justification of my amendment.

What objection has the Senator from Wyoming [Mr. WARREN], now that the matter has been discussed, and the Senate understands it, to letting the Senate vote on it? Why take advantage of a technicality in the rules of the Senate and deny this body the privilege of registering its will concerning it? All I ask is that the Senator from Wyoming withdraw or fail to make the point of order, and let the Senate vote upon the question.

If the Senate shall authorize additional hospitals, multiplying and increasing the burdens to fall upon the Surgeon General, he should be given additional aid for the performance of those duties. If the Senate thinks that is not the way to proceed, I can not help it. But now that we have deliberated the matter, why not let us vote on it? The only reason is that the Senator from Wyoming knows what the action of the Senate will be. The whole subject has been discussed, and we understand it. The Senator from Utah has not only discussed it but he has discussed a great many other subjects. In order properly to administer this service, the head of it and the Secretary of the Treasury tell the Senate that these officers are urgently needed and that their authorization will result in economy. Then why not grant the authorization?

Mr. WARREN. Mr. President, I make the point of order, and ask for a decision upon it.

The VICE PRESIDENT. The point of order is sustained.

Mr. McKELLAR. Mr. President, I send to the Secretary's desk an amendment which I offer to the amendment of the committee.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The READING CLERK. On page 22, line 6, insert:

The Surgeon General of the Public Health Service is hereby authorized, by and with the approval of the Secretary of the Treasury, to sell or exchange in full or part payment for other sites in the same localities the premises now occupied by and in connection with the marine hospitals at St. Louis, Mo., and at Memphis, Tenn., or either of them, as in his judgment the public service may require.

Mr. FLETCHER. Mr. President, a parliamentary inquiry. Have all the committee amendments been disposed of?

Mr. LENROOT. This is an amendment to the pending committee amendment.

Mr. WARREN. All the committee amendments have not been disposed of.

Mr. FLETCHER. I am not opposing the amendment to the amendment, but I did not know just the status. I have some amendments that I shall desire to offer after the committee amendments have been disposed of.

Mr. LENROOT. Mr. President, I make the point of order against the amendment of the Senator from Tennessee that it is general legislation.

The VICE PRESIDENT. The point of order is overruled.

Mr. McKELLAR. Mr. President, I merely wish to say in connection with this proposed amendment that after the colloquy which took place about the Memphis situation yesterday, I talked with the Surgeon General, and he suggested that the reason why the hospital at Memphis and the one at St. Louis were not included was that they desired to change the locations of those two hospitals, and at his suggestion I prepared this amendment. I submitted it to the chairman of the Committee on Appropriations, who seemed to have no objection to it, and I hope it may be agreed to.

The VICE PRESIDENT. Just one moment; the Chair desires to make an inquiry. Is there any law which provides for the sale of such property?

Mr. LENROOT. Not by the Public Health Service; not in this department.

The VICE PRESIDENT. Then the Chair overrules the point of order on the ground that the amendment is not general, but applies to two small pieces of land. It does not apply to all the land held by the Public Health Service.

Mr. LENROOT. Mr. President, in regard to this amendment, it seems to me the question is whether the Senate of the United States is going to use the misfortune of the disabled soldiers to create a new kind of pork barrel; because that is exactly what is involved here. If this amendment is in order, any Senator can go to the Surgeon General and get the same kind of a reply, and there is just as much reason for every Senator getting another amendment in the bill to take care of his own State as there is for the amendment of the Senator from Tennessee. We have a hospital in my State—Wisconsin. I would have just as much reason to offer the same kind of an amendment, and I have no doubt I could get the consent of the Surgeon General, if I went to him to have it done.

But how does it affect the soldier? The hospital at Memphis, Tenn., I am informed, accommodates, or has accommodated, 85 beds. The Senator from Tennessee has spoken eloquently about taking care of the soldiers. But what does he propose to authorize the Secretary of the Treasury to do? To sell this hospital, deprive the soldiers of 85 beds, and use the proceeds for the purchase of land.

Mr. McKELLAR. Mr. President, if the Senator will permit me, he is entirely mistaken about the matter. The hospital at Memphis has been used since the time of the Civil War, or before. It was established there before the Civil War, as I recall. It has been there for over a half century. The location is not just what they want. They want a different location, and they want the right to exchange their property for other property that can be better utilized for the soldiers. They do not give up the beds at all. There is nothing of that kind involved. It merely gives the Surgeon General the right to use this property in the very best possible way for the soldiers.

Mr. LENROOT. It can not be used for the soldiers if exchanged for land.

Mr. McKELLAR. It does not provide that it is to be exchanged for land.

Mr. LENROOT. Yes; it does.

Mr. McKELLAR. It merely provides for an exchange of the property for other hospital property.

Mr. LENROOT. Very well. Does the Senator then propose by the amendment that we shall authorize even the exchange of this property for other buildings that were not built for hospital purposes, that were never equipped for hospital purposes, for buildings that will afford some great profit to some real estate broker?

Mr. McKELLAR. Oh, no; there is not the slightest idea of that sort. If I felt that that was to be the department's policy, if I felt the department was going to engage in a matter of that kind with some real estate broker, as the Senator intimates, I would vote to abolish the Public Health Service. I would not take that stand about it. The truth of the business is that the Department of Public Health desires to utilize this property and this hospital in the best possible way. It desires to sell the prop-

erty, if necessary, to obtain another hospital site in the city of Memphis that would be better adapted in every way to the uses of the soldiers, and could be more economically carried on. There is no ulterior purpose in the matter, as the Senator suggests. The desire is to give the best hospital facilities for the soldiers.

Mr. LENROOT. The Senator knows very well that it is not to be expected that they would secure another hospital in exchange for this hospital. The Senator knows very well that the purpose of his amendment is to do away with the existing hospital and buy a lot of land for the Public Health Service, on which there would be a large commission for some real estate broker. The net result would be the expenditure of the funds from the sale of the existing hospital at Memphis for land, and in the meantime 85 soldiers will have lost the benefit of hospitalization. That is the proposition in a nutshell. Shall we use the misfortune of the soldier to make this a pork barrel?

Mr. McKELLAR. Will the Senator yield again? The Senator says that is the proposition in a nutshell. The Senator does not know what the proposition is at all, evidently. I do not know what information he has that makes him talk about it as he does. The Government has a very large body of land there that is not utilized, half a dozen times as much as it needs for hospital purposes, and it has a hospital on it, but the hospital is a very small affair, and the property is valuable. The Government wants to dispose of the property and have a larger hospital. That is the purpose of it.

Mr. LENROOT. Then, does not the Senator corroborate exactly what I said?

Mr. McKELLAR. Not at all. The Senator misunderstands me.

Mr. LENROOT. The proposition, therefore, that the Senator now states is to sell that hospital, deprive the soldiers of the 85 beds now there, and use the money to begin the building of a new hospital.

Mr. McKELLAR. Oh, quite the contrary. The Senator does not understand the proposition, and I need not argue it further with him.

Mr. LENROOT. I do not think the Senator can argue anything about it. It is very plain what the purpose of the Senator is. The purpose is not to take care of the immediate needs of the soldiers. The purpose is apparent. If the amendment be agreed to, there is no reason why 47 other amendments should not be agreed to, giving each State a little piece of pork in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment of the committee.

Mr. McKELLAR. On that question I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ASHURST (when his name was called). Mr. President, before I vote I wish to be recognized for a moment. I have no doubt the proposition made by the Senator from Tennessee is worthy, but it illustrates the very vice against which I have been speaking for three or four days and demonstrates that the matter should be left wholly, solely, simply, and exclusively to the Surgeon General. I vote "nay."

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. In his absence, I withhold my vote.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Rhode Island [Mr. GERRY], and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence I am not privileged to vote and therefore withhold my vote.

Mr. WALSH of Massachusetts (after having voted in the negative). On this question I am paired with the Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from California [Mr. PHELAN] and allow my vote to stand.

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. SMITH of South Carolina (after having voted in the affirmative). Has the Senator from South Dakota [Mr. STERLING] voted?

The VICE PRESIDENT. He has not.

Mr. SMITH of South Carolina. I have a general pair with that Senator. I transfer that pair to the Senator from Kentucky [Mr. STANLEY] and allow my vote to stand.

Mr. KING. I wish to announce that the Senator from Montana [Mr. WALSH] and the Senator from South Dakota [Mr. STERLING] are detained at a hearing before the Committee on the Judiciary.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Iowa [Mr. CUMMINS] with the Senator from Ohio [Mr. POMERENE];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 19, nays 45, as follows:

YEAS—19.

Beckham	Kirby	Reed	Smith, S. C.
Fletcher	McKellar	Robinson	Spencer
Harris	Nelson	Shields	Trammell
Harrison	Pittman	Simmons	Underwood
Heflin	Ransdell	Smith, Ga.	

NAYS—45.

Ashurst	Gooding	Lenroot	Smith, Md.
Ball	Gronna	Lodge	Smoot
Borah	Hale	McCormick	Sutherland
Brandegge	Henderson	McCumber	Swanson
Capper	Jones, N. Mex.	McLean	Thomas
Culberson	Jones, Wash.	McNary	Townsend
Curtis	Kellogg	Moses	Wadsworth
Dillingham	Kendrick	Myers	Walsh, Mass.
Elkins	Kenyon	New	Willis
Fernald	Keyes	Overman	
France	King	Polindexter	
Gay	La Follette	Sheppard	

NOT VOTING—32.

Calder	Gerry	Norris	Smith, Ariz.
Chamberlain	Glass	Owen	Stanley
Colt	Gore	Page	Sterling
Cummins	Hitchcock	Penrose	Walsh, Mont.
Dial	Johnson, Calif.	Phelan	Warren
Edge	Johnson, S. Dak.	Phipps	Watson
Fall	Knox	Pomerene	Williams
Frelinghuysen	Newberry	Sherman	Wolcott

So Mr. McKELLAR's amendment to the amendment of the committee was rejected.

Mr. ROBINSON. Mr. President, I offer an amendment to the amendment, which I send to the desk and ask to have read.

The VICE PRESIDENT. The Secretary will read the proposed amendment to the amendment.

The ASSISTANT SECRETARY. On page 21, line 7, of the committee amendment, it is proposed to strike out "\$600,000" and insert in lieu thereof "\$850,000"; on the same page, line 8, after the word "Wyoming," to insert "Fort Logan H. Roots, Ark."; on line 12, after the word "Wyoming," to insert "Fort Logan H. Roots, Ark."; and, in line 11, to strike out the words "and directed."

Mr. ROBINSON. Mr. President, I desire the attention of the Senate while I very briefly state the purpose and effect of the amendment. On a former occasion I discussed in the Senate the subject of Fort Logan H. Roots. In the pending bill as reported by the committee there is a provision authorizing and directing the Secretary of the Treasury to take over Fort Mackenzie, Wyo., and Fort Walla Walla, in Washington, for use as hospitals. It appeared during the course of the debate that recently the Secretary of War had indicated his acquiescence in the use of those two forts for hospital purposes; that the discussion of the matter had been protracted; and in the case of the fort in Wyoming it had extended over something like a year. Hence, of course, there is no necessity for legislation as to those two forts. If the statement is correct, legislation is unnecessary.

Mr. JONES of Washington. Mr. President—

Mr. ROBINSON. If the Senator will just let me proceed a moment, I will yield to him.

Mr. JONES of Washington. I wish to say a word with reference to that particular matter.

Mr. ROBINSON. The provision in the bill is rather extraordinary in another particular. It not only authorizes the Secretary of the Treasury to use these two forts, but it compels him to take them over. Now I yield to the Senator from Washington.

Mr. JONES of Washington. I merely wish to state that one of the Representatives from the State of Washington told me this morning that the Public Health Service had made two formal requests of the War Department for the transfer of Fort Walla Walla, but that those requests had been denied.

Mr. ROBINSON. So that Fort Walla Walla is in exactly the same situation as is Fort Logan H. Roots, as I will show in a few moments.

I do not believe that the provision of law which we wrote in the bill respecting the forts mentioned in the bill ought to compel the Secretary of the Treasury to take them over and use them as hospitals. I think that if before he takes them over and proceeds to remodel them conditions should change so as to make it unnecessary to use them or make it desirable to use them for the purposes for which they were originally intended, the language of the provision ought to be left open so that that could be done. However, I make this proposition, and I do not believe that any Senator will gainsay it: If those forts are not needed for military purposes and are not in use for military purposes and are not likely to be required for such purposes within a reasonable future time, then if they are desirable and acceptable to the Secretary of the Treasury, he ought to be permitted to use them. That is a plain proposition, and that is exactly what my amendment proposes to do both as to forts which are already mentioned in the bill and as to Fort Logan H. Roots.

I discussed at length the other day the Fort Logan H. Roots proposition. It is a very remarkable one, and I do not intend to go into the details of the subject at this time further than to state the facts. The chairman of the Committee on Military Affairs, before which committee a bill was pending which I had introduced at the instance of the General Assembly of the State of Arkansas, the American Legion organizations in Arkansas, and civic organizations there, wrote a letter to the Secretary of the Treasury making inquiry about the situation at this fort, its present use, and the use which is contemplated of it. I am going to put the letter of the chairman of the committee, the Senator from New York [Mr. WADSWORTH], in the RECORD in full. The Secretary of War wrote a letter in reply, which I shall also put in the RECORD in full.

The Secretary of War, as stated by the Senator from Wyoming [Mr. KENDRICK] on a former occasion in the Senate, took the view of the matter that is comprehended by my amendment; but the General Staff, anticipating a probable large increase in the Army, wanted to hold all of these forts for future possible military purposes. So the Secretary of War sent to the chairman of the Military Affairs Committee a letter lamely objecting to the bill.

I propose to put his letter into the RECORD, and Senators who take the trouble to read it will see what I mean by the use of the word "lamely." He said that the future requirements of the Army may make it necessary to use Fort Logan H. Roots, although its use as a fort is not in immediate or early prospect; he did not know about it. He said further that the buildings at Fort Logan H. Roots were now being used as officers' quarters for officers who are stationed at Camp Pike, implying—he did not specifically so declare—that sufficient officers' quarters were not available at Camp Pike.

Mr. President, during the war at one time there were 70,000 soldiers stationed at Camp Pike, with the officers necessary for their command. The average number stationed there was from thirty to forty-five thousand, with the officers necessary for their command. They were quartered at Camp Pike throughout the period of the war, except that a few officers were quartered at Fort Logan H. Roots. Not one-half of the buildings at Camp Pike are now occupied. There are kept there from three to seven thousand soldiers; there have not been more than 7,000 soldiers at Camp Pike since a short time after the armistice; so, to my personal knowledge, there are officers' quarters available, or buildings which could be readily made available for officers' quarters, at Camp Pike adequate for four times the number of officers who are there or who in all probability will be sent there in the near future. So the only question that remains for consideration is whether the post may in the remote future be required for military purposes.

The action of the Senate yesterday in overriding the President's veto on the joint resolution reducing the Military Establishment to 175,000 indicates that the plan of the General Staff for a much larger Army is not likely to be executed in the early future, and that not one of the three forts mentioned will be required for military purposes for many years to come.

Fort Logan H. Roots was used as a base hospital during a large part of the war period when soldiers were being concentrated at Camp Pike and sent forth to various embarkation points. It would cost very little to remodel it so as to make it available for a hospital, and it is in a desirable location.

I had a telegram from Lee Kelly, commander of the American Legion of Arkansas, this morning stating that the representations which I made in the Senate yesterday as to the number of men sick and disabled who have been unable to receive hospital treatment is more than justified by the facts. The commander wired me that a survey made of the sick and disabled soldiers

in Arkansas recently showed that more than 150 men afflicted with tuberculosis and needing hospital treatment at this time have been unable to procure such treatment. That statement shows that, in addition to that 150 men, there are 1,800 other men in the State of Arkansas, former service men, who are suffering from either disease or injury, the greater number of whom will probably require hospital treatment in the early future.

Mr. SHEPPARD. Mr. President, will the Senator yield to me for a moment?

Mr. ROBINSON. I yield to the Senator from Texas.

Mr. SHEPPARD. In Texas it has recently become necessary to establish a 62-bed hospital by private subscription to take care of ex-service men who can not be cared for by the facilities at the command of the Government. That hospital, established by private funds, is in operation at Kerrville, Tex.

Mr. GLASS. Mr. President—

Mr. ROBINSON. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, I have been furnished this morning with the official statement, which I hold in my hand, by the Director of the War Risk Insurance Bureau, which shows that in district 14, which comprises Arkansas, Oklahoma, and Texas, there are 1,150 available Government beds, of which only 202 are now occupied. In the State of Texas, at Fort Sam Houston alone, there are available 850 beds, of which only 4 are now occupied. At Hot Springs, in Arkansas, there are available 100 Government beds, of which only 19 are occupied. So these official statistics do not seem to conform with the general statement which has been made about thousands of soldiers in that particular district being without hospital facilities.

Mr. ROBINSON. Mr. President, the Senator from Virginia is laboring under an erroneous assumption. There is not one soldier in a thousand who knows anything about districts or anything about hospitals located in remote places. I myself did not know in what district the State of Arkansas was located. It simply means that these men have not had their applications presented, and that they are still to be provided for. My amendment does not require the Secretary of the Treasury to use the forts if they are not needed; it merely permits him to do so if they are needed.

Mr. SHEPPARD. Mr. President, will the Senator permit me to say a word further?

Mr. ROBINSON. I yield to the Senator.

Mr. SHEPPARD. The Texas representative of the American Legion, Mr. E. G. Story, of Tyler, Tex., was in my office this morning, and he told me there were 4,000 tubercular ex-service men in Texas who were without hospital facilities. As I said a few moments ago, it has become necessary to provide a hospital by private subscription.

Mr. ROBINSON. Mr. President, in view of that statement just made by the Senator from Texas, it seems to be perfectly apparent that there is a greater demand for hospital service in the State of Texas alone than is provided for or possible in the entire district to which Texas belongs.

Mr. SMITH of Georgia. Mr. President—

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Are not the men who need hospital relief those who have been mustered out of the service?

Mr. ROBINSON. In almost every instance.

Mr. SMITH of Georgia. Is it not true that the hospital facilities belonging to the cantonments are under the charge of the War Department and that the men mustered out of the service can not be put in them without legislation?

Mr. ROBINSON. That is true as to that class of hospitals, of course, but it is not true as to the Public Health Service hospitals.

Mr. SMITH of Georgia. I understand; but the large amount of unoccupied space is found in connection with cantonments, and they can not be used by soldiers who have been mustered out of the service without some legislation.

Mr. ROBINSON. That is true.

Now, Mr. President, I want to put into the RECORD the letters to which I have referred, and a number of telegrams, resolutions, and memorials reflecting the necessity for increased hospital facilities, and disclosing the availability of this fort as a hospital. The Surgeon General of the Public Health Service and the Director of the War Risk Insurance Bureau have twice applied to the Secretary of War for a transfer of this hospital, and it has been denied, just as it was in the case of Fort Walla Walla, Wash., for no other reason in the world than that in the remote future, when the Army may be increased, it may be required as a military post.

Mr. JONES of New Mexico. Mr. President—

Mr. ROBINSON. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I am inclined to believe that there is a situation here which is not fully appreciated by the Senate, and it seems to me that very careful consideration should be given to the statements which have just been made by the Senator from Arkansas and the Senator from Texas. If those statements are true—and, of course, I have no doubt of it at all—it is apparent that there is something wrong with the statements which have just been furnished us by the Director of the Public Health Service.

It seems to me that that may arise from this difficulty: The director unquestionably is giving us a correct statement of the facts as they appear in his office; but it is apparent that there are thousands of these ex-service men who have not reported to the Public Health Service, and that there is something wrong about the method of acquainting them with the facilities for hospital treatment.

If these people are really in need of hospital treatment, whether they have made their wants known or not, it seems to me that Congress should take cognizance of that fact and enlarge these facilities in every way, and then go a step further and provide some means whereby it may be made known to these people that these facilities exist and are being provided, so that they may be cared for at public expense.

Referring to the statement made by the Senator from Texas [Mr. SHEPARD] that people by private subscription are taking care of a great many of these disabled soldiers, of course, that is commendatory, so far as those people are concerned, but it ought not to be left there. The Government ought to take care of that situation, and we ought not to have it said that there is a condition here which calls upon the private charity of the people of this country to take care of these disabled men. If this situation exists, as it now appears must be the case, the Senate ought to take cognizance of that fact and remedy it in some way.

The amendment of the Senator from Arkansas and this bill as a whole will not take care of a situation which seems to be so wide in its scope as indicated by the figures stated here by the two Senators this morning, because what exists in Texas and Arkansas unquestionably must exist in various other States; and it seems to me if we are to take cognizance of any such statements as those made here this morning we ought to do very much more in this bill than we have attempted to do.

Mr. GLASS. Mr. President—

Mr. ROBINSON. That is exactly the position which I took on yesterday; and I apprehend that before many months pass the Senate will go very much further than it is going in this bill. It will be compelled to do so out of respect for the sentiment of the people of the United States.

Right in line with the suggestion made by the Senator from New Mexico that the Director of the Bureau of War Risk Insurance, as reflected by the record read by the Senator from Virginia, either has little grasp of the actual conditions as they exist or has not the facilities to obtain the necessary information respecting the subject, I pointed out yesterday that there were 18 sick and disabled soldiers confined in the Hospital for the Insane at Little Rock, where the criminal insane are also confined, and who were being cared for in that institution practically at the expense of private citizens, who had never been heard of by either the Surgeon General or the Director of the Bureau of War Risk Insurance; and I have telegrams, and will put some of them in the Record, showing that in various counties in that State there are former service men who are suffering from meningitis who are confined in loathsome jails. Of course, the Director of the Bureau of War Risk Insurance does not know about these cases. Of course, the Surgeon General does not know about these cases.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. ROBINSON. I yield to the Senator with pleasure.

Mr. ASHURST. I have already vexed the ears of Senators in pointing out that at Public Health Hospital No. 51, near Tucson, Ariz., ex-service men by the dozen who were ill were walking around the streets in need of hospitalization. The charity disposed and humane persons of Tucson took up subscriptions and assisted in building temporary quarters, but I am advised that the situation is not much alleviated, as the Public Health Service has not the funds to increase the capacity of the hospital there.

Mr. GLASS. Mr. President—

Mr. POMERENE. Mr. President, will the Senator from Arkansas permit me to address a question to the Senator from Arizona?

Mr. ROBINSON. I yield for that purpose.

Mr. POMERENE. The Senator has referred to these patients in Tucson. Are they at this time in the service, or have they been mustered out?

Mr. ASHURST. Most of them were mustered out a year ago.

Mr. JONES of New Mexico. Mr. President, I think it only fair that a statement should be made as to the probable cause of the condition which exists at Tucson. There is no provision of law, so far as I know—and I am advised that there is none—which enables the Public Health Service to designate the places to which these patients shall go. Tucson is a very favorable climate, especially in some months of the year, in the winter-time, and these tubercular patients voluntarily seek that section of the country as a place to spend at least a short time during the year.

Mr. ASHURST. Exactly. The Senator is correct.

Mr. JONES of New Mexico. It has been impracticable for the Public Health Service to provide facilities there to accommodate the unexpected influx of such patients, and there is a question of good judgment as to the extent to which the Government should go in providing mere temporary quarters for patients of that sort. Unquestionably an unusual number have gone into Tucson and the southern part of Arizona, and I may say that the same thing obtains in certain sections of New Mexico. How far the Government should go in anticipation of that condition and trying to meet it is a doubtful problem, in my judgment. I think it ought to be said in extenuation of the action of the Public Health Service that certainly existing legislation does not contemplate the providing of permanent quarters for a mere temporary situation.

Mr. GLASS. Mr. President—

Mr. ROBINSON. I yield to the Senator from Virginia.

Mr. GLASS. The Senator from New Mexico has stated a part of what I had risen to say. It will be recalled that the Surgeon General, when he appeared before our committee, made the explanation as to the congestion at Tucson that scores of these persons had come there on their own initiative, and not by the suggestion of the Public Health Service.

I find, Mr. President, that I inadvertently made a mistake in quoting figures. I said there were 850 available beds at Fort Sam Houston, in Texas, and only 4 occupied. The facts are, as furnished me by the War Risk Insurance Bureau, that there are 200 available beds at Fort Sam Houston and only 117 occupied; but at Houston, Tex., there are available 850 Government beds, only 4 of which are occupied. It is surely an extraordinary situation if in any community of Texas these soldiers are dependent upon private charity with 846 available beds in one of the largest cities of the State.

I not only think these disabled soldiers should be treated justly, but I think they should be treated generously, and I am willing to vote to appropriate the last dollar in the Treasury to take care of the wounded and disabled soldiers. I think it is exceedingly unfortunate that we may not arrive at some definite information as to the state of facts; and I am only apparently in antagonism to suggestions that have been made here, because I rise in justification of the committee. The committee acted on the best available official information, and not upon general, current reports. If these figures are not accurate, surely we ought to be able to get accurate information.

I want to say that last night, in conversation with me, the Surgeon General said that the Public Health Service or the War Risk Insurance Bureau, or both, have in nearly every county of every State in the Union an authorized representative charged with the duty of looking after disabled soldiers and reporting the conditions in his particular community; and the Surgeon General is disposed to think that the information of the War Risk Insurance Bureau and that possessed by the Public Health Service is more nearly accurate than current reports.

Mr. POMERENE. Mr. President, will the Senator yield to me to ask a question of the Senator from Virginia?

Mr. ROBINSON. I yield to the Senator.

Mr. POMERENE. The Senator from Virginia has just read some statistics which have been furnished him by the War Risk Bureau. Are former soldiers who have been mustered out admitted now to these hospitals? Do these figures relate only to those who are now in the service, or will they shed any light upon the question as to whether there are soldiers out of the service now who are needing this medical treatment?

Mr. GLASS. I happen to know personally that soldiers who are mustered out of the service, but who were disabled during the war, are admitted to hospital treatment under Government auspices; that the hospital service of the Government is available to those who have been mustered out.

Mr. POMERENE. I have no definite information upon the subject, except that I know from my correspondence that constant complaints are being made because there are ex-soldiers throughout my own State who ought to have the privilege of hospital treatment and do not have it.

Mr. GLASS. Does the Senator know that they have applied for hospital treatment?

Mr. POMERENE. I do not know that. I have been very much interested in the subject, as all other Senators have been, and I realized that the Committee on Appropriations was going to make some provision for them. I am not a member of that committee, and I have not given much attention to the subject, but it is one which appeals to the hearts of all of us, and I would rather be a little overgenerous than not to make proper provision for those men, under the present circumstances.

Mr. GLASS. I think that ought to be the attitude of all Senators, and I think it is. All I want to know is the real requirements, and I shall cheerfully vote the last dollar that is needed, if I am assured that it is needed.

Mr. WARREN. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. ROBINSON. I yield.

Mr. WARREN. If I understood the question of the Senator from Ohio, he was inquiring as to how men in the service and men out of the service were accommodated. All of those in the Army, until they are finally discharged, are, of course, taken care of in the Army hospitals, and treated by Army surgeons. After they are discharged, if they are disabled, of course they are entitled to go to the Public Health Service hospitals, and the Government has turned over to the Public Health Service many of the Army and Navy hospitals, and they are undertaking to care for those who may be reached by the Public Health Service.

As to the old soldiers, if I understood the Senator's inquiry, they have access to the hospitals at the soldiers' homes and, of course, they have their pensions; in fact, in this bill we open up those hospitals to the soldiers who served in the Spanish-American War and all other wars. The doors are open all the time to ex-soldiers.

Mr. POMERENE. What is the Public Health Service doing toward getting accurate data with respect to the number of these soldiers who are out of the service and who really ought to have this medical treatment?

Mr. WARREN. There are in every State and, so far as I know, in the different counties and in the cities those who represent the Public Health Service. In fact, they have arrangements made whereby surgeons or physicians examine such men as apply. A man may be in the interior part of a very distant State and may make inquiry, and he will be told to go to the doctor in the city where he is. That doctor is paid a fee out of the fund we have allowed for examining the men, and he sends a statement to the War Risk Bureau or to one of the other branches to which it may be sent and the man is taken care of.

Mr. ROBINSON. Mr. President, the discussion has been diverted from the amendment immediately under consideration. I would like to have the attention of Senators, and particularly the attention of the Senator from Virginia [Mr. GLASS]. I will say to the Senator from Virginia that I have just said that the discussion has assumed a very broad range during the last few minutes and has veered away from the amendment immediately under consideration.

There was sent to me this morning, through the kindness of the Surgeon General, a statement showing that all I said on yesterday as to the immediate requirements of this service for increased hospital facilities is more than justified. On another occasion I may make use of that in the Senate. I do not now desire to cloud the pending amendment, or the propositions necessarily involved in that, with a general discussion.

The pending amendment relates to a provision in the sundry civil bill at page 21. There the Secretary of the Treasury is authorized and directed to take over and use two forts. The statement was made in the Senate yesterday, as Senators will recall, that the Secretary of War had acquiesced in or consented to this transfer. The Senator from Montana pointed out that it was very singular, if that was the case, that this provision should be in the bill, since there could be no necessity for it if the Secretary of War had given consent. This morning the Senator from Washington [Mr. JONES] stated on the floor that, just as in the case of Fort Logan H. Roots, the Secretary of War made a report refusing to turn over Fort Walla Walla, for the reason that the requirements of the military service in the remote future might make necessary the use of Fort Walla Walla as a military post. So that Fort Logan H. Roots and Fort Walla Walla and Fort Mackenzie are substantially on the same basis.

I do not believe that the Secretary of the Treasury ought to be required to take over any one or all of these forts. I think, in view of the fact that Congress knows that the War Department does not need them, and that it has no early use in prospect for

them, and that they may be valuable for hospital use, we ought to permit him to take them and use them.

So I propose to strike out of the provision in the bill the words "and directed," so as to leave the Secretary of the Treasury authorized but not required to take these forts and Fort Logan H. Roots. So that if the amendment which I offered prevails, the Secretary will have the power to take them and use them if he wants to; but if conditions change, and he finds that it is either unnecessary or undesirable, or if it subsequently appears that another use can be made of these forts that is of greater value, in view of the other hospital facilities provided for in the bill, he may permit that to be done.

The point I am making is that we ought to strip this subject of anything except what is best for the service. The Surgeon General and the Director of War Risk have found that all three of these forts are needed for the service, and they have at least twice asked the Secretary of War to turn them over for that purpose. But the Secretary in each instance has refused to do so, unless in the case of Fort Mackenzie he consented; and that consent, if given at all, was given only after a year's discussion of the matter; he has refused to do so on the theory that the Army may be increased in the future, and that these military posts may be needed for the purposes for which they were originally designed.

Fort Logan H. Roots has not been used as a fort for 10 years. It is a very valuable property. It can be made available, if necessary, for probably 1,500 beds at very little cost. It was used as a base hospital during the war, and a great many soldiers received treatment there. It would require less remodeling and less expenditure for remodeling than perhaps any other plant that could be obtained that was not originally designed for hospital purposes. So I say, if in view of the fact that the only use contemplated for Fort Logan H. Roots is as officers' quarters for officers stationed at Camp Pike, when, as a matter of fact, there are quarters at Camp Pike available, or which could readily be made available at little expense, for five times the number of officers stationed there or required to be stationed there, we ought to give the Secretary of the Treasury the option of using Fort Logan H. Roots, as well as Fort Mackenzie and Fort Walla Walla, but we ought not to require him to take any of them.

Mr. SMITH of Arizona. I suggest to the Senator that the title to this property will always be in the Government, and if any war necessity should arise it would be easy enough for us, by a war measure, to convey the property back to the Army if it was necessary, or more necessary than the use to which we now propose to put it.

Mr. ROBINSON. All the Senator from Arizona has stated is true.

Mr. GLASS. May I ask why we should not direct the Secretary to do it, then, if we know that it should be done? If we do not, even if the Secretary of the Treasury should, for reasons satisfactory to himself, agree with the Secretary of War, we would not gain the benefit of such a transfer.

Mr. ROBINSON. That is true; and the only reason why I thought he ought to be authorized rather than directed was that conditions might change, and he might subsequently conclude, for just reasons, that he did not need them, that he could get along without them.

Mr. GLASS. In this play of policy I should think that the Secretary of the Treasury would be more apt to yield his view to that of the Secretary of War than otherwise, and if the forts are really needed, I should say that we should give the direction instead of the authorization.

Mr. JONES of New Mexico. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. ROBINSON. I yield.

Mr. JONES of New Mexico. There is another thought in this connection which I do not believe has been emphasized sufficiently. It is that in order to construct new hospitals it will require time.

Mr. ROBINSON. That is true.

Mr. JONES of New Mexico. In the present emergency beds can be provided at Fort Logan H. Roots much more quickly than by entering into new construction, and I have not the slightest doubt but what it can be done at very much less expense. We are proposing in this bill, in the construction of five new hospitals, to spend about \$2,500,000 on each one. I believe the estimate is that each of those hospitals, after it is constructed, will not provide more than a thousand beds; in other words, about \$2,500 or perhaps \$3,000 for the additional beds.

Mr. ROBINSON. My information is that \$250,000 will make available approximately 1,000 beds at Fort Logan H. Roots.

Of course, my information is not technical, but that enforces the suggestion the Senator from New Mexico is making.

Mr. JONES of New Mexico. And that can be done, of course, in a reasonably short time.

Mr. ROBINSON. It can be done very quickly, and in proof of that fact, it has not been very long since the fort was used as a base hospital, and the buildings, with the exception of a few that are now being used for officers' quarters, can be very readily and easily made available for hospital purposes. What the Senator has suggested is true.

Mr. JONES of New Mexico. Then if the only obstacle in the way of the use of these forts as hospitals is the prospect existing in the mind of the Secretary of War that at some future time they may be required for war purposes, I believe the amendment should be made to this bill. But I am inclined to agree with the Senator from Virginia that we ought to have the direction here that it shall be done.

Mr. ROBINSON. Mr. President, I merely wish to state that, in view of the suggestions made by the Senator from Virginia [Mr. GLASS] and the Senator from New Mexico [Mr. JONES], I do not know that I ought to insist upon striking out the words "and directed." I do not know that I shall do it. The suggestion met with the approval of some Senators about me.

Mr. SIMMONS. Mr. President, I do not believe the Senate could occupy its time any better than it is now occupying it in the discussion of this question. I think enough has been disclosed here to show that there is a most deplorable inadequacy in present accommodations for sick and disabled soldiers. I can not understand why there is any objection on the part of the committee to accepting the amendment which the Senator from Arkansas offers.

On yesterday when we were discussing the question it was my understanding that the committee itself, through its chairman and through the Senator from Utah [Mr. SMOOT], who was assisting the chairman in the management of the bill, based its opposition to the proposition of the Senator from Arkansas, made on yesterday, solely upon the ground that we could not reasonably expend during the next fiscal year more than \$18,000,000. I wish to ask the Senator from Arkansas if that was not the ground upon which they opposed his amendment yesterday, namely, that they could not expend during this fiscal year for hospital purposes more than \$18,000,000, and if it was not contended that the \$18,000,000 was not as much as was needed, but that they did not grant more because no more than that amount could be expended in that fiscal year?

Mr. ROBINSON. That is certainly true. No one who is informed will contend, with all the provisions of the bill as now contemplated carried out, that at the end of the fiscal year there will be adequate facilities for all who require hospital facilities. The statement of the Surgeon General, sent to me this morning, shows that in all probability they will not be adequate.

Mr. SIMMONS. Then we have two admissions. We have the admission that at present the requirements are so great that it is necessary to spend \$18,000,000 within the next year in constructing additional hospitals. We have the further admission that the \$18,000,000 would not be sufficient to construct as many hospitals as we ought to construct, but the committee limited it to \$18,000,000 simply because they can not expend within that period of time more than that sum. In that condition, constituting a virtual admission that we are in great need of hospital facilities, when the Senator from Arkansas makes it plain that here is a particular fort not needed for military purposes and not used for military purposes, that was used during the war as a base hospital, that is all ready for occupancy with a slight expenditure in the way of improvements and capable of accommodating, I believe the Senator said, about 1,100 sick soldiers, why the committee should refuse to accept an amendment to allow, for that is all it means, the Secretary of the Treasury to commandeer and take this over for the purpose of supplementing the inadequacy of hospital facilities is more than I can understand.

Mr. WALSH of Montana. Mr. President, I think we ought beyond question to agree to the amendment proposed by the Senator from Arkansas, but I do not feel that we are in possession of sufficient information with respect to the matter now to override the determination of the War Department, if such a determination has been made, that these posts ought to be retained by the Army. It occurs to me that we ought to authorize the Secretary of the Treasury to take them over, but not to direct him, because, of course, a direction to the Secretary of the Treasury to take them over would be a direction to the Secretary of War to surrender them into the possession of the Secretary of the Treasury.

Of course, the question as to whether a particular post is needed for military purposes at the present time or is likely to

be needed at some time in the immediate future is one that obviously requires considerable careful study. An appropriation bill is hardly the place, as it seems to me, to arrive very correctly at a just conclusion with respect to that matter. I do not think we have heard sufficient to enable the Senate to determine whether Fort Walla Walla ought to be continued in the Department of War or ought not to be. The same applies to Fort Logan H. Roots, in the State of Arkansas. I do not believe that in the present situation of affairs, with the determination to reduce the Army to 175,000, any resistance arbitrary or unreasonable in character will be offered by the Department of War.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Certainly.

Mr. LENROOT. I should like to ask the Senator if he recollects that we have already adopted an amendment giving to the President authority to transfer any sites to the Public Health Service, either temporarily or permanently, as he sees fit?

Mr. WALSH of Montana. Exactly. I am heartily in favor of the amendment offered by the Senator from Arkansas in its present form, but I believe the word "directed" ought to be taken out of the committee amendment, so that it will read "that the Secretary is authorized to take them over," and so forth.

Mr. GLASS. Mr. President, I wish to have it understood that my suggestion to the Senator from Arkansas was upon the assumption that he was entirely accurate in his statement that the forts referred to are absolutely not needed for military purposes, and that some of them have not been used for years for military purposes.

Mr. WALSH of Montana. The Senator will understand that the Department of War still is not convinced that they may not be needed or desirable for use in the future.

Mr. GLASS. That is true. I imagine it will be very easy to convince the Secretary of the Treasury that the War Department is right in its estimate of the situation, so that if we are convinced here that the forts will not be needed for military purposes and we know that they are needed by the Public Health Service, I think we ought to give the direction.

Mr. WALSH of Montana. The point I am making is that we have not heard sufficient evidence really to arrive at a just conclusion. We have heard the views of the Senator from Arkansas in the one case and the Senator from Washington in the other case.

Mr. GLASS. My suggestion was based upon the statement of the Senator from Arkansas.

Mr. ROBINSON. In order to obviate the differences between my friends on this proposition, I will ask that the provisions of the amendment be segregated and that we vote first on that part of the amendment inserting "Fort Logan H. Roots." Then we can take a separate vote on whether we shall strike out the words "and directed."

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none. The question is on the first branch of the amendment to the amendment proposed by the Senator from Arkansas.

Mr. WARREN. Mr. President, on the part of the committee I can not accept the amendment, because we have refused all those that were not directly asked for by the Surgeon General in letters to the committee or memoranda handed to it. The two posts that are named specifically in the bill came to us from the House, and we have added all of the others that came up in the manner I have stated, so I can not accept the proposed amendment.

Mr. ROBINSON. Will the Senator permit me to call his attention to the fact that there was no provision in the bill whatever respecting hospitalization? It is true that the House passed a separate bill yesterday, while we were considering this bill, which embraced the two forts indicated, but Fort Walla Walla is in exactly the same condition as Fort Logan H. Roots. The Secretary of War has refused to assent to it. I ask that the Senate agree to the amendment to the amendment which I have proposed.

The VICE PRESIDENT. The question is on agreeing to the first part of the amendment offered by the Senator from Arkansas to insert after the word "Wyoming," page 21, line 12, the words "Fort Logan H. Roots, Ark."

Mr. WARREN. On that question let us have the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). I transfer my pair with the junior Senator from South Dakota [Mr. JOHNSON] to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCormick]. In his absence I withhold my vote.

Mr. KENDRICK (when his name was called). I make the same announcement as to the transfer of my pair that I made a moment ago and will vote. I vote "yea."

Mr. POMERENE (when his name was called). I have a pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote, if present. I therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. WALSH of Massachusetts (when his name was called). On this question I have a pair with the Senator from New York [Mr. CALDER]. I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. WOLCOTT (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The roll call was concluded.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. McLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a general pair with that Senator, and therefore withhold my vote.

Mr. POMERENE. On the call of the roll I reserved my vote because of a pair which I had with the Senator from Iowa [Mr. CUMMINS]. I now understand I can make a transfer of that pair to the junior Senator from New Mexico [Mr. JONES]. I make that transfer, and will vote. I vote "yea."

Mr. GLASS. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the senior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. WOLCOTT (after having voted in the affirmative). On the roll call I transferred the pair I had with the Senator from Indiana [Mr. WATSON] to the senior Senator from Tennessee [Mr. SHIELDS], who has since entered the Chamber and voted. I therefore am compelled to withdraw my vote.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The roll call resulted—yeas 27, nays 35, as follows:

YEAS—27.

Ashurst	Heflin	Pomerene	Smith, S. C.
Beckham	Kendrick	Ransdell	Stanley
Fletcher	Kirby	Robinson	Swanson
Gay	La Follette	Sheppard	Trammell
Glass	McKellar	Shields	Underwood
Harris	Phelan	Simmons	Walsh, Mont.
Harrison	Pittman	Smith, Ga.	

NAYS—35.

Ball	France	King	Smoot
Borah	Gooding	Lenroot	Spencer
Brandegge	Gore	Lodge	Sterling
Capper	Gronna	McCumber	Sutherland
Coff	Hale	McNary	Thomas
Curtis	Jones, Wash.	Moses	Wadsworth
Dillingham	Kellogg	Nelson	Warren
Elkins	Kenyon	New	Willis
Fernald	Keyes	Polindexter	

NOT VOTING—34.

Calder	Henderson	Newberry	Smith, Ariz.
Chamberlain	Hitchcock	Norris	Smith, Md.
Culbertson	Johnson, Calif.	Overman	Townsend
Cummins	Johnson, S. Dak.	Owen	Walsh, Mass.
Dial	Jones, N. Mex.	Page	Watson
Edge	Knox	Penrose	Williams
Fall	McCormick	Phipps	Wolcott
Frellinghuysen	McLean	Reed	
Gerry	Myers	Sherman	

The VICE PRESIDENT. On the portion of the amendment of the Senator from Arkansas to insert the words "Fort Logan H. Roots, Ark.," the yeas are 27 and the nays are 35. That portion of the amendment is rejected. The question recurs on the remainder of the amendment. [Putting the question.] The yeas have it, and the amendment is agreed to.

Mr. WARREN rose.

Mr. LENROOT. Mr. President, has the entire amendment been acted upon?

The VICE PRESIDENT. The Chair put the question and nobody voted against it.

Mr. LENROOT. I desire to offer two perfecting amendments to the committee amendment when the amendment of the Senator from Arkansas shall have been disposed of.

Mr. ROBINSON. The question was on the remainder of the amendment offered by myself. I offered an amendment which contained two or three provisions. The first provision not being agreed to, the question recurred on the remaining provisions and they were agreed to. That is the parliamentary status.

Mr. WARREN. Mr. President, I am satisfied there was a misunderstanding with reference to the vote just taken, and I hope the vote whereby the amendment was agreed to may be reconsidered. The vote as taken was certainly misunderstood by many Members of the Senate.

The VICE PRESIDENT. Is there objection to the reconsideration of the vote by which the amendment was agreed to? The Chair hears none, and it is reconsidered. The question now is on agreeing to the amendment.

Mr. ROBINSON. Mr. President, the amendment inserting the words "Fort Logan H. Roots" not having been agreed to, the portion of the amendment which increases the authorization for use in connection with those forts from \$600,000 to \$850,000 is withdrawn. I shall, however, ask for a vote on the remaining portion of the amendment, which is to strike out the words "and directed."

Mr. President, by almost a strict party vote the Senate has rejected an amendment which contemplated giving the Secretary of the Treasury discretion to take over a military fort that is not needed for military purposes and to use it, if necessary, for hospital purposes. That use could have been accomplished at an expenditure of less than \$250,000, and 8,000 beds or more would have been made available for that purpose.

Fort Logan H. Roots is in exactly the same situation as are the other forts carried in this bill. The committee reported a provision directing the Secretary of the Treasury to take over Fort Mackenzie, Wyo., and Fort Wala Wala, Wash. Yesterday the statement was made in the Senate that the reason the committee had pursued that course was found in the fact that the Secretary of War had consented to it. The Senator from Montana [Mr. WALSH] then, however, pointed out that it was a very singular procedure; that, if the Secretary of War had consented to turning over the forts to the Secretary of the Treasury for hospital purposes, additional legislation was necessary or required, because the existing law authorized the transfer.

This morning it developed that the Secretary of War, in regard to one of the forts included by the committee in the bill, namely, Fort Wala Wala, had done just what he did in connection with Fort Logan H. Roots; he had refused to turn over that fort. So the Senate now puts itself in the attitude of making a political issue of this subject. By a strict party vote it has required the Secretary of the Treasury to take a fort located at Wala Wala, Wash., for use for hospital purposes; it has refused to permit the Secretary of the Treasury to take a fort located at Little Rock, Ark., when by doing so he could save the Government a large sum of money and could procure 1,000 beds or more, if they are needed.

Mr. President, the Senator from North Carolina during the course of his remarks on this amendment pointed out the fact that not a single ground or reason had been presented in the Senate why this amendment should not be agreed to. The Senator from Wyoming said that he could not agree to it, because the House of Representatives had sent him the other two provisions. That was not a correct or even approximately correct statement of the parliamentary situation. When the House of Representatives passed the sundry civil appropriation bill, it made no provision for additional hospital facilities. After this matter was agitated in the Senate some days ago, the Senate Committee on Appropriations brought in the committee amendment which has been the basis of our deliberations here; and it incorporated, in anticipation of the possible action of the House of Representatives, a provision not only permitting the Secretary of the Treasury to take over two forts but requiring him to do so.

I should like to have the Senator from Wyoming, the chairman of a great committee of the Senate, tell the Senate why he insists upon forcing the Secretary of the Treasury to take a fort in his own State and refuses to permit him to take a fort in another State, when the reasons touching the subject are identical.

Mr. WARREN. Mr. President, does the Senator want me to answer that question?

Mr. ROBINSON. Yes; I do want the Senator to answer it.

Mr. WARREN. I have already answered it, because I said we were only putting in those posts that were asked for by the

Surgeon General in his communications to the committee; and we have ruled out Memphis because it does not come in that way, and Fort Logan H. Roots for the same reason. Now, the Senator is on his feet the third day assuming to act as the personal representative of the Surgeon General of the Public Health Service. If he is unable to obtain the recommendation necessary in these three days, there is no reason why an exception should be made for Fort Logan H. Roots that we could not make for Memphis or for any Army post.

Mr. ROBINSON. Mr. President, the statement by the Senator from Wyoming that I am the personal representative of the Public Health Service, and that I have been unable to obtain from him a statement that he needs this fort, is unjustified. I stated, and I have put into the Record the letter of the War Risk Insurance Bureau and the letter of the Surgeon General stating that they have twice asked for this fort, that they still desire it, and that with a little expense it can be made available; and I decline to ask the Surgeon General to make any further statement regarding the matter. The Senate committee and the chairman of the committee have put themselves in the attitude of pushing forward one proposition, and putting back and resisting another identical with the one pushed forward, except as to location. My proposition now is that the Secretary of the Treasury ought to have the right to use all three of these forts. He ought not to be compelled to use any of them. I think the words "and directed" ought to be stricken out.

Mr. President, I ask permission to have printed in the Record the various memorials, resolutions, letters, and telegrams to which I have referred in the course of my remarks.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

LITTLE ROCK, ARK., January 1, 1921.

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.:

I earnestly recommend transfer, by congressional action, Fort Logan H. Roots from War Department to Interior Department for use as United States Public Health Service hospital in order to provide immediate hospitalization for 2,000 disabled ex-service men. Buildings and grounds available for immediate occupancy. Roots is now un-garrisoned, and has been for past 10 years, except for caretaker detachment. State health authorities urgently recommend selection of this site, in which all patriotic and welfare organizations concur. It is imperative that determined steps be taken to relieve deplorable conditions and provide adequate hospitalization of disabled men. Suggest you initiate legislation in your House.

CHARLES H. BROUGH, Governor.

CIVITAN CLUB OF HELENA, ARK.,
January 13, 1921.
Resolution.

Information has been received by this club that at the present time there are quite a number of insane ex-service men in the State Hospital for Nervous Diseases at Little Rock, and on account of lack of facilities it has been necessary to confine these ex-soldiers in wards with the criminal insane, and which is not the proper treatment these men deserve, for they gave their full measure of devotion to their country and wear the badge of honor of service and sacrifice: Now, therefore, be it

Resolved, That the Representatives in Congress be requested and earnestly urged to use their best efforts to have Fort Logan H. Roots, which is not now used, turned over to the Public Health Service and made into a hospital, that these patients and other ex-service men who are denied hospital treatment on account of crowded conditions may be given suitable treatment and care that is befitting the heroes of the Nation.

Unanimously adopted this 13th day of January, 1921.

HELENA CIVITAN CLUB,
JOHN C. SHEFFIELD, President.

Attest:

E. B. DUBLEY, Secretary.

Resolutions passed by the Luke Box Post, No. 110, American Legion, at a meeting held at Hazen, Ark., January 13, 1921:

Whereas we, the members of the Luke Box Post, No. 110, of the American Legion, have discussed the benefits and the advisability, and in accordance with resolutions passed at the State convention of the American Legion at Helena, Ark., August 16 and 17, 1920, to secure Fort Logan H. Roots as a United States Public Health hospital for our disabled men; and

Whereas there are no practical reasons for further retaining Fort Logan H. Roots for war purposes and that Fort Logan H. Roots has practically been abandoned for the past 10 years, except for a small caretaker's attachment; and

Whereas the governor, the State commander, various welfare organizations, and the legislative committee have made every effort to cause the War Department to relinquish Fort Logan H. Roots for the above purpose, and so far the War Department have been unwilling to do so: Be it

Resolved, That we earnestly petition our Senators and Representatives to cause the enactment of necessary legislation to transfer Fort Logan H. Roots from the War Department to the Interior Department for use as a United States Public Health hospital for our disabled men; and be it further

Resolved, That copies of these resolutions be sent our Senators and Congressmen, urgently requesting them to use their influence and good office in effecting this transfer, and that copies be sent to the American Legion department headquarters.

M. W. VAN SICKLE, Commander.

Attest:

WM. MARAK, Secretary.

HELENA BOARD OF TRADE,
OFFICE OF SECRETARY,
Helena, Ark., January 14, 1921.

Hon. JOE T. ROBINSON,
Washington, D. C.

DEAR SENATOR: I am just in receipt of a communication from Mr. L. J. Wilkes, Jr., commander of the local post of the American Legion, in which he advises that his organization has just discovered a number of ex-service men suffering from shell shock and wounds in the head who are now being cared for at our State Hospital for Nervous Diseases.

As you doubtless know, our State hospital at best is in an overcrowded condition without the addition of these boys, and it does seem unfair to them that after having offered everything they had to offer for our country they should be forced to mingle with paupers and the criminal insane.

Fort Logan H. Roots at the present time is unoccupied, and a more desirable location could hardly be secured in which these boys might be located and treated.

This organization, as well as myself personally, is thoroughly in accord with the movement which is being started by the American Legion to the end that the Government will be requested to turn Fort Roots over to the Public Health Service as a hospital for the treatment of ex-service men suffering from nervous afflictions contracted while in the Army, and I sincerely hope that you will use your very best efforts toward accomplishing this fact.

Assuring you of my highest esteem, with kindest personal regards, I am,

Sincerely, yours,

JOS. L. SOLOMON, President.

ARKANSAS DEPARTMENT THE AMERICAN LEGION,
HEADQUARTERS EXECUTIVE COMMITTEE,
Little Rock, December 16, 1920.

Mr. JOE T. ROBINSON,
Washington, D. C.

MY DEAR MR. ROBINSON: I inclose copy of resolution adopted at the State convention of the American Legion at Helena, directing that every effort be made to obtain Fort Logan H. Roots, Ark., as a United States Public Health Service hospital, in order to provide adequate and suitable hospitalization for the thousands of disabled ex-service men and women in Arkansas.

The various patriotic and civic organizations such as the Rotary Clubs, Lion's Clubs, Knights of Columbus, Arkansas Public Health Association, Federation of Women's Clubs, Red Cross, Young Men's Christian Association, and Young Women's Christian Association, including such prominent health authorities as Dr. C. W. Garrison, State health officer, State board of health; Dr. Robert P. Harris, United States Public Health Service; Dr. C. F. Pettus, county health officer; Dr. John Thames, city physician of Little Rock; and others of our State, including the board of commerce of Little Rock, through their representatives, at a recent meeting of the committee appointed by the governor to look into the matter of providing adequate hospitalization for the disabled ex-service men and women of Arkansas, unanimously indorsed the movement to obtain Fort Logan H. Roots as a United States Public Health Service hospital.

I have made every possible effort to effect the relinquishment of Fort Logan H. Roots by the War Department, but from the inclosed letter to Mr. Abel Davis, chairman of the hospitalization committee, Chicago, Ill., from Mr. R. G. Cholmeley-Jones, director Bureau of War Risk Insurance, it is apparent that nothing short of congressional action will relieve the existing frightful conditions regarding the lack of suitable and adequate hospitalization for our disabled ex-service men and women.

I also inclose copy of letter from Hon. H. S. Cummings, Surgeon General United States Public Health Service, in which he admits the lack of a sufficient number of hospitals and the suitability of many existing hospitals for our disabled.

Fort Logan H. Roots has been practically abandoned for the past 10 years. It is, as you know, ideally situated, centrally located, and would provide hospitalization for 2,000 ex-service men and women of Arkansas and adjacent States.

I am confident I can rely on your hearty efforts in securing the transfer of Fort Logan H. Roots from the War Department to the Interior Department at an early date, as it is imperative that immediate relief be given our disabled men and women.

With kindest personal regards, I am,

Very truly,

LEIGH KELLEY,
Department Commander.

TREASURY DEPARTMENT,
Washington, December 9, 1920.

Mr. ABEL DAVIS,
Chairman Hospitalization Committee,
Chicago Title & Trust Co., Chicago, Ill.

MY DEAR MR. DAVIS: I wish to acknowledge your letter of December 3, 1920, inclosing a letter from Mr. Leigh Kelley in reference to Fort Logan H. Roots, Ark.

On November 3, 1920, at the request of the Surgeon General United States Public Health Service and myself, the Secretary of the Treasury addressed a letter to the Secretary of War calling attention to the desirability of the Public Health Service securing Fort Logan H. Roots to be used as a hospital for War Risk patients, and asking that, if possible, authority be given to transfer it to the Public Health Service.

On November 23, 1920, a letter was received from the Secretary of War, which reads as follows:

"I have the honor to acknowledge the receipt of your letter of November 3, 1920, requesting that Fort Logan H. Roots, Ark., be turned over to the Public Health Service in accordance with the provisions of Public act 326, Sixty-fifth Congress, approved March 3, 1919.

"In this connection I beg to inform you that this is a permanent post, and it is not the policy of the War Department to dispose of or transfer any permanent posts. A study is being conducted to determine the use to be made of all permanent posts for the increased Army now being organized under the authority of recent legislation. It has been decided to use Fort Logan H. Roots to house part of the Division."

I feel that this is very unfortunate, as, no doubt, Fort Logan H. Roots is admirably equipped for the care of War Risk patients.

I shall continue to use my efforts in cooperating with the Surgeon General in his effort to obtain the hospital, and I have not as yet entirely given up hope of obtaining it.

You may be assured of my earnest desire to cooperate with you and the legion in every way in the interests of ex-service men.

Very sincerely, yours,

R. G. CHOLMELEY-JONES,
Director.

THE AMERICAN LEGION,
RICHARD L. KITCHENS POST, No. 41,
Helena, Ark., January 18, 1921.

Resolution.

Whereas there has been brought to the attention of this post and the other posts of this State by the Department of Arkansas the glaring need of a hospital for the treatment of sick and wounded soldiers of the World War;

Whereas it was further found that there are 18 insane ex-soldiers now confined in the State Hospital for Nervous Diseases at Little Rock, Ark., and on account of the overcrowded condition of this institution these ex-soldiers are forced to associate and be confined with the criminal and pauper insane of the State. This is no fault of the officials of the institution, as they are prohibited by law from accepting any additional compensation from the Federal Government other than the nominal charge;

Whereas we fully realize the urgent need of more hospital facilities for not only these but other wounded and sick soldiers, and as Fort Logan H. Roots is not now being used by the Government and is an ideal place as to healthy location and with buildings and facilities ready for immediate use and which would be of very little cost to the Government to make minor repairs; We therefore

Resolve, That Richard L. Kitchens Post, No. 41, American Legion do urgently urge our Representatives in Congress to use their best efforts to have the Federal Government consider and investigate the converting of Fort Logan H. Roots, Little Rock, Ark., into a hospital for the treatment of wounded and sick ex-soldiers and same turned over to the Public Health Service; be it further

Resolved, That copies of this resolution be sent to Senator ROBINSON, Senator KIRBY, and Congressman CARAWAY, and to the press of Phillips County.

Passed this the 18th day of January, 1921, at a regular meeting of this post held at the Phillips County courthouse.

L. J. WILKES, Jr., Post Commander.

Attest:

THOS. H. JACKS, Adjutant.

JANUARY 22, 1921.

THE SECRETARY OF WAR,
Washington, D. C.

MY DEAR MR. SECRETARY: I transmit herewith S. 4875, transferring Fort Logan H. Roots to the Secretary of the Treasury for the use of the United States Public Health Service, by Senator ROBINSON.

Please furnish the Committee on Military Affairs the following information:

1. What use is now being made of Fort Logan H. Roots, and how long has the same been so used?
2. State somewhat in detail the character of buildings at Fort Logan H. Roots which are now unoccupied and number of same.
3. Say whether, in your opinion, Fort Logan H. Roots should be retained as a permanent Army post and whether it is practicable to use the same temporarily for a hospital for sick and disabled soldiers.
4. Are hospital facilities at Camp Pike, Ark., adequate to meet the requirements of that camp?

It is claimed by former Gov. Brough, of Arkansas, commander of American Legion for Arkansas, many local posts of said legion, and many business organizations in Arkansas that hundreds of former service men in that State are suffering for lack of hospital facilities, and that Fort Logan H. Roots should be availed of either temporarily or permanently for these purposes.

I will be glad to have you advise the committee fully regarding this matter.

Very truly, yours,

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
OPERATIONS DIVISION,
Washington, February 1, 1921.

THE CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: I have the honor to acknowledge receipt of your letter of January 22, 1921, transmitting S. 4875, transferring Fort Logan H. Roots, Ark., to the Secretary of the Treasury for the use of the United States Public Health Service.

In reply to the questions asked in your letter, I beg to advise you as follows:

1. Detachments of the Quartermaster Corps, Signal Corps, and Medical Department have been stationed at Fort Logan H. Roots since the early days of the war. In addition, a few months ago, this post was placed under the commanding general at Camp Pike, Ark., to be used for quartering officers for whom no quarters were available at Camp Pike, and for such other purposes as he saw fit.

2. In this post there are 15 sets of officers' quarters, 5 noncommissioned officers' quarters, barracks for 4 companies, 1 stable for 42 animals, and 1 hospital of 12 bed capacity, all built of brick. The total capacity is 280 men, and there are 1,050 acres in the reservation.

Of these buildings, one double barrack building for two companies, one single barrack building for one company, and one wooden semi-permanent nurses' quarters are at present unoccupied.

3. This post was built for one battalion of Infantry. Before 1916 there were 30 regiments of Infantry and every permanent post was filled to its capacity. Now there are 65 regiments of Infantry. It is therefore apparent that every permanent post will be required and the surplus over their capacity will have to be housed in cantonments. It is not believed that this post could be used as a hospital for sick and disabled ex-soldiers without considerable remodeling. The disabled might be quartered in the barracks, but the hospital accommodations for the sick would be insufficient.

If these buildings were remodeled, it would require additional time and expenditures to put them back in proper shape to be used by troops, and a temporary occupation by the United States Public Health Service would probably become permanent.

A study is now being made by the War Department of all holdings, housing facilities, and activities of the Army, and a similar inquiry is being conducted by a subcommittee of the Committee on Military Affairs of the House of Representatives, with a view to a reduction to the minimum required. Until this study and this inquiry have been completed and until the size of the Army and the appropriations for it have been definitely determined, I believe it unwise to dispose of any permanent construction.

4. The hospital facilities at Camp Pike, Ark., are adequate to meet the probable requirements of that camp.

I therefore recommend that S. 4875 be not passed.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

HELENA, ARK., January 20, 1921.

Hon. JOE T. ROBINSON,
Senate Office Building, Washington, D. C.:

It is the wish of this club that you use influence to help American Legion, this State, in effort to obtain more suitable quarters for insane ex-service men now stationed at State institution.

HELENA ROTARY CLUB.

EXECUTIVE CHAMBER, STATE OF ARKANSAS,
Little Rock, January 8, 1921.

Hon. JOE T. ROBINSON,
The United States Senate, Washington, D. C.

MY DEAR MR. ROBINSON: Supplementing my telegram of January 1, I would appreciate if you will interest yourself in the matter of providing adequate hospitalization for the unfortunate disabled men of our State, to whom we owe everything.

I have wired his excellency, the Hon. Woodrow Wilson, President; the Surgeon General, United States Public Health Service; the Director of the Bureau of War Risk Insurance; Hon. Newton D. Baker, the Secretary of War; and the Committee for Aid to Disabled Veterans, calling their attention to the fact that thousands of our Arkansas disabled men are without adequate hospitalization and the imperative necessity to provide adequate hospital facilities for them.

It appears that the War Department is unwilling to relinquish Fort Logan H. Roots where immediate hospital facilities are available for our disabled, although, as you are aware, Fort Logan H. Roots has practically been abandoned for the past 10 years, except for a small caretaker detachment, and there is no apparent necessity for its retention for military purposes by the War Department.

I would most earnestly urge you to introduce necessary legislation for the transfer of Fort Logan H. Roots from the War Department to the Interior Department for use as a United States Public Health Service hospital.

It is imperative for the Government to provide immediate hospitalization for the unfortunate thousands of our disabled ex-service men and Fort Logan H. Roots can be converted into a hospital with very little, if any, expenditure almost overnight, and it is urgently recommended by the various welfare organizations and State health authorities that you initiate proper legislation to bring this about.

I know that you have the interest at heart of our splendid young men, who are broken down in health or crippled for life, and I am confident that you will do your utmost in seeing that these unfortunate men from our State are taken care of expeditiously by our Government.

With kindest personal regards.

Cordially,

CHARLES H. BROUGH,
Governor.

LITTLE ROCK, ARK., January 11, 1921.

Hon. JOE T. ROBINSON,
United States Senate, Washington, D. C.:

As commander of the Arkansas Department, American Legion, I call to your attention inadequate care given ex-service psychopathic patients at the State hospital for nervous diseases at Little Rock. The capacity of this institution is approximately 1,500 whereas it has 3,500 inmates. Owing to this overcrowded condition at the institution no segregation of ex-service men can be attempted. These unfortunate insane disabled are placed in wards with paupers and criminals. The board of control of this institution advises that no release can be given. Under State laws the maximum which can be accepted for the care of disabled ex-service men is 50 cents per day, although the Government authorizes \$3 per day. In view of these deplorable conditions I urgently recommend immediate legislative action be taken for the transfer of Fort Logan Roots from War Department to Interior Department for use as United States Public Health Service Hospital in order to provide the humane and considerate care due these disabled men by our Government.

LEIGH KELLY.

THE PRESIDING OFFICER (Mr. KENYON in the chair). The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee. [Putting the question.] The yeas appear to have it.

Mr. ROBINSON. I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], and am compelled to withhold my vote. If at liberty to vote, I should vote "nay."

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I therefore withhold my vote.

Mr. WALSH of Massachusetts (when his name was called). On this question I am paired with the Senator from New York [Mr. CALDER]. If at liberty to vote, I should vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Texas [Mr. CULBERSON], and vote "yea."

The roll call was concluded.

Mr. KENDRICK. I make the same announcement as to the transfer of my pair, and vote "nay."

Mr. FERNALD. Making the same announcement as before, I vote "nay."

Mr. DIAL. I have a pair with the Senator from Colorado [Mr. PHIPPS], which I transfer to the Senator from New Mexico [Mr. JONES], and will vote. I vote "yea."

The result was announced—yeas 24, nays 36, as follows:

YEAS—24.			
Ashurst	Harrison	McKellar	Simmons
Beckham	Heflin	Pittman	Smith, S. C.
Dial	Hitchcock	Ransdell	Stanley
Fletcher	King	Robinson	Trammell
Gore	Kirby	Sheppard	Underwood
Harris	La Follette	Shields	Walsh, Mont.
NAYS—36.			
Ball	Gooding	McCumber	Spencer
Capper	Gronna	McNary	Sterling
Colt	Hale	Moses	Sutherland
Curtis	Jones, Wash.	Nelson	Swanson
Dillingham	Kellogg	New	Thomas
Elkins	Kendrick	Overman	Townsend
Fernald	Kenyon	Poindexter	Wadsworth
France	Keyes	Smith, Ariz.	Warren
Gay	Lenroot	Smoot	Willis
NOT VOTING—36.			
Borah	Gerry	McLean	Pomerene
Brandagee	Glass	Myers	Reed
Calder	Henderson	Newberry	Sherman
Chamberlain	Johnson, Calif.	Norris	Smith, Ga.
Culberson	Johnson, S. Dak.	Owen	Smith, Md.
Cummins	Jones, N. Mex.	Page	Walsh, Mass.
Edge	Knox	Penrose	Watson
Fall	Lodge	Phelan	Williams
Frelinghuysen	McCormack	Phipps	Wolcott

So Mr. ROBINSON'S amendment to the amendment of the committee was rejected.

Mr. WARREN. Mr. President, I wish to say that within the last hour a letter has reached me from the Secretary of the Treasury calling my attention to what might be a necessity in the way of providing for turning over from the War Department medical and other fixtures, implements, furniture, and so forth. The need comes about in this way: In the bill as first drawn we had a clause that would have been the same as section 3 in the Langley bill which covered this matter; but in the committee it was stricken out and a different section put in its place, which has since been stricken out. So, in order to convey the proper authority and to cover the matter as the Secretary wishes, I send to the desk an amendment dealing with the subject. The matter has been partially covered by the amendment already adopted, offered by the Senator from New York [Mr. WADSWORTH]. The amendment I send to the desk is simply to add to that and to make it more nearly as requested by the Secretary.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be stated.

The READING CLERK. After the word "insurance," in the amendment adopted, presented by the Senator from New York [Mr. WADSWORTH], insert the following:

And the Secretary of War is hereby authorized and directed to transfer without charge to the Secretary of the Treasury for the use of the Public Health Service such mechanical and construction and miscellaneous material, and such hospital furniture and equipment, including hospital and medical supplies, motor trucks and other motor-driven vehicles in good condition, not required by the War Department, as may be required by the Public Health Service for its hospitals.

The amendment was agreed to.

Mr. LENROOT. I offer the amendment to the amendment of the committee, which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The READING CLERK. On page 22, after line 6, add the following:

The Secretary of the Treasury shall secure or accept, with the approval of the President, such sites as he shall deem necessary to carry out the provisions of this act.

Mr. LENROOT. Mr. President, this is merely a perfecting amendment. In striking out the provision relating to a commission there was also stricken out the authority of the Secretary of the Treasury to purchase new sites, with the approval of the commission, and this is merely to restore that authority to the Secretary of the Treasury, with the approval of the President.

The amendment to the amendment was agreed to.

Mr. LENROOT. I offer another amendment to the amendment of the committee, which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The READING CLERK. On page 24, line 8, after the word "provided," insert the following:

In addition to the sum of \$8,100,000 hereinbefore appropriated.

Mr. LENROOT. That is likewise merely a perfecting amendment. As the amendment originally provided, \$12,500,000 was appropriated for the purpose of building new hospitals. That part of it has been stricken out, so the language reads:

There is appropriated for the purposes herein provided the sum of \$12,500,000, etc.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

Mr. WADSWORTH. Mr. President, I desire to inquire of the chairman of the committee if he would have an objection to my offering an amendment at this time, which can not be considered, it is true, as an amendment to any committee amendment, but which relates entirely to the question of hospitals which we have been discussing so long, so that this subject can be cleared up and we can proceed with the rest of the bill. The chairman realizes, probably, that the amendment I have in mind is the one providing for Federal cooperation with the State of New York in the matter of the military hospital to be situated on Long Island. I realize that it is out of order.

Mr. WARREN. Mr. President, the Senator from New York has other duties to perform of a very arduous nature, and unless objection comes from some other quarter I will have no objection to his disposing of that now. As I understand him, it will take but little time.

Mr. WADSWORTH. I shall not desire to debate it myself. I explained the situation to the Senate the other day. I will state to the Senator from Wyoming that I want to offer it in two sections.

Mr. WARREN. I may say this, so that Senators may know what they are to vote upon. The War Risk Insurance Bureau asked the State of New York to make some proposition whereby New York might build a hospital and rent it to the United States Government for the care of insane patients. The State of New York appropriated \$3,000,000 for that purpose, and that money now stands to the credit of that project. But the Committee on Appropriations of the Senate, before which the proposition was laid, voted not to accept it, and the State of New York is undoubtedly within its rights in asking that it may come before this body, and it is my desire that it may come before the Senate and be voted on, as it was a proposition made in good faith, and, whatever may become of it, the dignity of the great Empire State is entitled to have this acted on by the full Senate.

I may say that the House has already acted upon it in committee, and it is on their calendar. But the Committee on Appropriations of the Senate refused to entertain it.

Mr. WADSWORTH. Permit me to say, supplementing what the Senator from Wyoming has just said, that the House passed this unanimously yesterday as an amendment to the Langley bill.

Mr. WARREN. I knew it was on the calendar in second place. Then I correct myself; the House has passed it.

Mr. WADSWORTH. I will have to make one small correction. I offer the following amendment, Mr. President, to be inserted in the bill at the end of the committee amendment which has just been disposed of.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 24, following the amendment heretofore agreed to, insert:

The Secretary of the Treasury is hereby authorized to enter into an agreement with the commission for military hospital of the State of New York, pursuant to the provisions of chapter 958 of the Laws of 1920, State of New York, to lease and thereafter to lease, in accordance with the provisions of said act, subject to appropriations by the Congress of the United States, the hospital to be known as the New York Military Hospital, to be constructed by said commission, when said hospital shall have been completed and ready for occupancy.

Mr. WADSWORTH. Mr. President, just one word, supplementing what I said the other day. I have here a copy of a letter written by the Director of War Risk Insurance, addressed to the Senator from Arkansas [Mr. ROBINSON], a portion of which I want to quote as bearing upon this particular problem. He said:

Take, for instance, in the second district, which includes New York, Connecticut, New Jersey, there are approximately 2,742 ex-service men and women in hospitals as of January 20, 1,321 being cared for in State, county, or private hospitals, and 1,421 in hospitals owned or operated by the Government, being divided as follows (approximately):

One thousand and eighty-seven suffering from tuberculosis, 423 of which are in State, county, or private hospitals, and 664 in hospitals owned or operated by the Government.

Eight hundred and ten suffering from nervous and mental diseases, of which 775 are in State, county, or private hospitals, and 35 in hospitals owned or operated by the Government.

Eight hundred and forty-five general medical and surgical patients, of which 123 are in State, county, or private hospitals, and 722 in hospitals owned or operated by the Government.

The thing I want to emphasize, Mr. President, is that of the 810 ex-service men who are suffering from nervous and mental diseases, only 35 are being cared for in hospitals owned or operated by the Federal Government. All the rest, 775 of them, are scattered all over that region, in hospitals good, bad, or indifferent. If this amendment of mine is agreed to, we shall

get 1,000 beds in the shortest possible time, to take care of mental and nervous cases.

In view of the fact that this involves an official action by the State of New York, I feel in duty bound to ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], and in his absence I withhold my vote.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK] and not being able to obtain a transfer, in his absence I withhold my vote.

Mr. KENDRICK (when his name was called). I make the same announcement as to the transfer of my pair as on the previous vote, and ask that that announcement may stand for the day. On this question I vote "nay."

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I withhold my vote.

Mr. WALSH of Massachusetts (when his name was called). I have a pair with the Senator from New York [Mr. CALDER]. In his absence I am not at liberty to vote. If I were permitted to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from California [Mr. PHELAN] and vote "nay."

Mr. WOLCOTT (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. In his absence I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. WALSH of Montana. I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. GAY. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. In his absence I withhold my vote.

Mr. DIAL. I have a general pair with the Senator from Colorado [Mr. PHIPPS]. He is absent, and I withhold my vote.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the junior Senator from Idaho [Mr. GOODING] and let my vote stand.

The result was announced—yeas 20, nays 38, as follows:

YEAS—20.

Capper	Harrison	McLean	Sutherland
Colt	Heflin	New	Underwood
Elkins	Hitchcock	Poindexter	Wadsworth
Fernald	Keyes	Smith, Ga.	Warren
France	Lodge	Sterling	Willis

NAYS—38.

Borah	Kendrick	Pittman	Stanley
Brandegge	Kenyon	Ransdell	Swanson
Culberson	King	Robinson	Thomas
Curtis	Kirby	Sheppard	Townsend
Dillingham	La Follette	Simmons	Trammell
Fletcher	Lenroot	Smith, Ariz.	Walsh, Mont.
Gronna	McCumber	Smith, Md.	Williams
Hale	McKellar	Smith, S. C.	Wolcott
Jones, Wash.	Nelson	Smoot	
Kellogg	Overman	Spencer	

NOT VOTING—38.

Ashurst	Gay	Knox	Phelan
Ball	Gerry	McCormick	Phipps
Beckham	Glass	McNary	Pomerene
Culder	Gooding	Moses	Reed
Chamberlain	Gore	Myers	Sherman
Cummins	Harris	Newberry	Shields
Dial	Henderson	Norris	Walsh, Mass.
Edge	Johnson, Calif.	Owens	Watson
Fall	Johnson, S. Dak.	Page	
Frelinghuysen	Jones, N. Mex.	Penrose	

So Mr. WADSWORTH's amendment was rejected.

Mr. SMITH of Georgia. Mr. President, I understand that an amendment has been agreed to, offered by the Senator from New York [Mr. WADSWORTH], which authorizes the President to transfer any of the military space, or space belonging to the War Department, to the Public Health Service for hospital purposes. I wish to suggest that the Board for Vocational Education have and will have increasing numbers of men just out of actual hospital care who will require a continued care of a semihospital character. I believe that the Government has in the control of the War Department a large amount of space

that could be used for all of these needs. I wish to suggest the desirability of giving the President the right to transfer to any of these services any unoccupied space that the Government has connected with the War Department. Instead of scrapping it and buying something else, getting practically nothing from the sale of what we have and paying probably a high price for what we need, or a high rental, if the President were given the general authority to control and transfer the use of these properties, it would be an economical as well as a wise arrangement. I had thought that he had such authority, but the opinion of those administering the service is that he has not. If he had the right to transfer to any of these services to be rendered to the injured soldiers any unused space belonging to the War Department, and providing even for its temporary use, it would be a very substantial economy. If the amendment of the Senator from New York does not cover the subject, I shall try to find a place at which such an amendment could properly be added, and I think the committee would not object to it.

Mr. WARREN. Was the Senator in the Chamber when the chairman of the committee offered an addition to the amendment offered by the Senator from New York?

Mr. SMITH of Georgia. No; I was not.

Mr. WARREN. I think the two amendments together comprehend what the Senator has in mind.

Mr. SMITH of Georgia. I would be glad to see them. I have personal knowledge of the situation with reference to the Vocational Education Board. I know they have been looking around with the view of renting, not hospitals but semihospital space, space for those who are not absolutely tubercular patients, but who have been classed as substantially cured, and still require continued attention and continued semihospital care. I understood the amendment as drawn did not reach that line of service. I believe the President should have that authority; and if we can find the space we can save money by using it for these purposes. I should be glad to look at the amendments and confer with the chairman of the committee on the subject.

The PRESIDING OFFICER. The next amendment of the committee which was passed over will be stated.

The READING CLERK. The next committee amendment passed over is, on page 33, to insert lines 9 to 17, both inclusive. The amendment was passed over upon the request of the Senator from Tennessee [Mr. McKELLAR] and reads:

COUNCIL OF NATIONAL DEFENSE.

For expenses of the Council of National Defense; for the employment of a director, secretary, chief clerk, and other expert, clerical, and other assistance; equipment and supplies, including law books, books of reference, newspapers, and periodicals; subsistence and travel; and printing and binding done at the Government Printing Office, \$75,000: *Provided*, That no salary shall be paid to any officer or employee of the council in excess of \$6,000 per annum.

Mr. McKELLAR. Mr. President, this is a Senate committee amendment which the House did not put in the appropriation bill. The Senate will recall that in 1916—

Mr. WARREN. May I say to the Senator that the House did put this in the bill as there drawn, and it went out, I believe, on a point of order, as did many other items which we have added as apparently Senate committee amendments. These went out in the House because of the contention that every one of these items must rest upon specific law. I think a dozen provisions that went out are replaced in this bill, and this is one of them.

Mr. McKELLAR. I do not see how it could have gone out on a point of order for the reason that the act of 1916 provides specifically for a Council of National Defense. It possibly went out on a point of order in the House on the ground that the appropriation is for an entirely different purpose from that expressed in the act creating the Council of National Defense.

Mr. WARREN. Will the Senator allow me a moment? It is possible that this item did not go out on a point of order. There are so many of these items that I have to look up each one of them to ascertain, but most of them went out on a point of order. It may have gone out otherwise.

Mr. McKELLAR. I do not know how it could have gone out on a point of order, unless, as I stated a moment ago, the act does not provide for the expenditures that are proposed to be made here. In other words, the duties of the present Council of National Defense, so called, are entirely different from those duties that are provided for in the law creating the Council of National Defense. I quote from the original law as to the powers and duties of the Council of National Defense:

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to

points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method, and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government; the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

It is easy to see that the purpose of the act was to look after an expected war. That time has now passed, happily. The so-called Council of National Defense is now engaged in other business. I wish to quote what the Secretary of War said, at page 420 of the hearings, as to what its purpose is now:

The plan, therefore, of the council for the present is to continue largely with two things: One is the reducing to order and study for such practical value as there may be in it the records left by the great emergency war bureaus, so that the permanent lessons can be extracted and made available, and the continuation of the work of the inter-departmental board which brings together the several departments through their active executives and correlates their work.

I quote again from page 421:

My own notion about the directorship of the council is it ought to be a man of a large imaginative and generalizing mind who would keep in his own mind the idea of the correlation of the national resources against the happening of an emergency, and that it ought not to be a man who would be especially interested in details or in statistics, or things of that sort, but a man who would be brooding over and extracting the lessons from our experience upon the general subject of the correlation of the national resources.

In this vague and indefinite way the Secretary of War undertakes to give a reason for continuing the Council of National Defense. The Council of National Defense consists, as we all know, of six Cabinet officers. They have not had a meeting since the war. They had very few before the armistice. It is not a body. Those connected with it during the war have long since gone. The gentleman now acting as director—and a very nice gentleman, too—was one of the clerks during the time of war. The amendment of the committee provides \$75,000 of useless expense.

If there ever was a subject upon which we could economize this is that subject, because practically all the work that is being done by the council is a mere duplication. It operates under the name of the Council of National Defense. It is not a council of national defense at all, but a body of well-meaning gentlemen, I have no doubt, who have, to a large extent, simply been left over from the war.

The \$75,000, as shown by the proof, will merely be sufficient to pay the salaries of the several officers and clerks in the so-called council. They are responsible to nobody; they report to nobody; they are doing work that is already being done by the various other departments. For instance, they propose to do some work in reference to railroads and waterways; but we have a department in the Government which looks after the railways, which secures all necessary information in regard to the railways. So, in the case of the waterways, there is a division of the War Department that looks after the waterways of the country and secures for us all the available information. So it is with all of the work of the so-called Council of National Defense, which is a misnomer. There is no such thing as a council of national defense. As I have stated, it has never met since the war, and it very seldom met before the war. It was of doubtful utility during the war, and, surely, now that the war is over, it ought not to be provided for in this bill.

Of course, the provision was not subject to a point of order; the Senator from Wyoming is mistaken about that; but the House thought it ought not to be in the bill, and it was not put in the bill as it came from the other House. For these reasons, I think the Senate ought to strike the provision out.

Mr. President, I wish to call attention to another matter. I quote from the testimony of Mr. Ellsworth, which throws some light on this subject. He says:

The appropriation which we asked for last year, Mr. Chairman, was cut 75 per cent. In other words, when we asked for \$300,000 we got \$75,000, and our pay roll on the 30th of June alone was at the annual rate of \$117,000. Now, in order to comply with the wishes, as shown by the appropriation given us, we had to cut our force materially from what we really needed. We cut our force from 64 on the 30th of June to our present number of 43, so that our salary roll, as it is to-day, is at the rate of \$79,845 a year.

The salary roll alone is \$79,845 a year, although Congress has limited the appropriation to \$75,000.

That reduction has been made gradually, so that we have used perhaps more than the monthly rate in gradually getting down to what we have. There is available now about \$49,000 to finish the year, and I figure that that will just continue our pay roll on its present basis until the 30th of June, without anything for printing, travel, telephone, or any miscellaneous expenses. For that reason—

And I call especial attention to this—

For that reason we have asked or sent in an estimate for a small deficiency appropriation of \$50,000 to finish up the year.

Mr. President, here is the situation: They asked for \$300,000 but got \$75,000. Nevertheless they proceeded right along and have sent in a deficiency appropriation of \$50,000. This is a body, I repeat, which is responsible to no one, which reports to no one, and which duplicates work that is being done in other departments probably much better than it is done by the council, though I do not intend to reflect upon the gentlemen who are connected with it. I have no doubt they are doing the very best they can, but they are doing a useless service. Now, if Senators on the other side of the Chamber want economy, I do not see how they can afford to vote for the amendment.

I wish to call attention to something else. The council asked for \$300,000, received \$75,000, and then proceeded to ask for a deficiency, according to this proof. I have been told that they were not going to ask for it. My recollection is that last year they asked for a deficiency, notwithstanding the plain provision of the law. I think it is well for us to recall what the law is in reference to deficiency appropriations. During the war such appropriations were very popular, of course, and probably we had to have them; but now that we have peace we ought not to have deficiency appropriations, especially when the law prohibits them. I now read from section 3679 of the Revised Statutes:

No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law.

Leaving out a part of the statute and coming to the penalty, I quote that, as follows:

Any person violating any provision of this section shall be summarily removed from office, and may also be punished by a fine of not less than \$100 or by imprisonment for not less than one month.

Mr. President, these gentlemen are really violating the law. If we do not give them what they ask, they go ahead and spend the money anyhow, and then ask for a deficiency appropriation, or announce their purpose to do so. I do not think we ought to spend the people's money on an organization of this kind, which is absolutely duplicating work carried on by other departments. The time for the exercise of this authority and power having gone by, there being no necessity for this body whatsoever—they can serve no useful purpose—it is a waste of the people's money to expend the \$75,000 herein provided for. I therefore hope the amendment will not be agreed to, and I ask for the yeas and nays on it.

Mr. STERLING. Mr. President, just a word. I wish to express my thorough sympathy with the views expressed by the Senator from Tennessee in regard to this amendment. I had myself intended to present the matter and call the attention of the Senate to my own objections to the amendment.

It seems to me, Mr. President, that the appropriation of \$75,000 for the National Council of Defense is a needless and expensive luxury. The Senator from Tennessee has already referred to the law under which this council was created. It was created by the act of August 29, 1916, when the European war had been more than two years in progress and when our participation in that war was imminent. There was a reason then for the enactment of legislation of this character, but with the end of the war, or at least after this long a time since the war closed, there can not be a single act which the Council of National Defense can perform which is provided for in the act creating that council.

The act provides:

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense.

That is the first function named in the act creating the council. Of course, they are not performing that duty now. Are they performing a single function provided for in this paragraph, which prescribes their duties? The act further provides:

The coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroads; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements

relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

So, Mr. President, each and every function of the National Council of Defense and each and every duty as prescribed in the act creating that council has been, by virtue of the ending of the war, done away with, and there is no necessity for continuing in existence the Council of National Defense.

The only thing that I know the Council of National Defense is doing is putting forth a daily information digest, a copy of which we find, I think, on our desks each and every day. They, or certain officials or clerks acting in the name of the council, have resolved themselves into a sort of public information bureau, which is no part of their duties as provided for in the original act.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. I yield to the Senator.

Mr. McLEAN. Do the members of the council draw any extra pay?

Mr. STERLING. The members of the council do not and the members of the advisory commission do not, I think.

Mr. McLEAN. Are there any officers or employees that are now drawing the salary provided in the amendment, namely, \$6,000 a year?

Mr. STERLING. I think, Mr. President, that there are. This amendment is to provide now "for the employment of a director, secretary, chief clerk, and other expert clerical and other assistance." It seems to me that the amendment is simply designed to keep up an institution or an organization with a view to an appropriation for the payment of salaries.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 33.

Mr. WARREN. Mr. President, I merely wish to say a few words in regard to this matter; it is not a question about which I care to consume much of the time of the Senate.

The Senator from South Dakota entirely misapprehends the situation if he thinks there is not always necessity for co-ordination between the Army, Navy, and other Government services. Furthermore, we are always seeking information which may be needed in defensive or offensive operations, and we always have provided some method for obtaining such information. The Council of National Defense provides another means along that line. We used to call a somewhat similar organization "the board of strategy," but perhaps that board has gone out of existence long ago.

The Council of National Defense is one of those agencies which we can do without, just as we can do without any more gun emplacements or any more cannon or anything of that kind. We could do without the council just as we could do without the War College; it is one of those institutions which, no doubt, can be dispensed with for the time being, although it will probably cost us more later on to obtain the information in case of need. Of course, we all realize how sadly out of joint we were at the time we entered the war so far as concerns the question of securing information in regard to the outfitting of our forces, because we had been too negligent—I do not wish to say parsimonious—and perhaps too saving in looking out for the future and having some vision as to what we would do if attacked. That is about all I wish to say upon the subject, except to add that those interested in it, especially the Secretary of War, are exceedingly anxious that some agency along the line of the Council of National Defense may be provided.

As to what that council has done, I doubt very much whether the Senator from South Dakota is fully informed as to its activities, and I do not know why he should be. I will say, however, that as other commissions have been closed out their duties in a number of instances have been turned over to the Council of National Defense for settlement. As we all remember, we had a Bureau of Information, at the head of which was Mr. Creel. Mr. Creel, for some reason unknown to me and perhaps to others, resigned, I believe, while he was across on the other side and while the League of Nations was being discussed there.

Reports came from abroad—and they were published in the newspapers here—that there was money over there in different banks, and that no one seemed able to determine where it should go; that it had been sent over there for certain purposes, and had in some instances been in the hands of our representatives and in other instances in the hands of foreigners.

I took it upon myself to address a letter to the then Secretary of the Treasury, Mr. GLASS, and he responded that they had no information on the subject, as that was reported directly to the Executive. Money had been furnished from the fund which we had voted to the President, in addition to regular

appropriations by Congress; so when the Bureau of Information went over to the Council of National Defense the then assistant director—they now have only a director, who happens to be the same man who formerly was assistant—took it up to see what could be done. The consequence was that we found unsettled accounts in this and foreign countries. We found amounts that were awaiting calling in. We found debts amounting to hundreds of thousands of dollars, that had to be paid, for transportation, and so forth. We found in different places checks for large amounts weeks or months of age. We found, for instance, several cases where this film show that was arranged for and shown to Senators and Members of the House in this city—the President was there and a great many others—was taken to certain cities, and there were arrangements made for showing it for a profit, if it could be had, to this publicity fund, and in some cases there were quite large amounts to be collected and in others there had been losses. I remember one case where they were to have a division after a certain expense, which brought us sixteen thousand dollars and something. It was not paid, and the director finally had to threaten to sue before he got it, because they entered the defense that it had not been shown as it was promised, and was not delayed until some convenient date, as they had requested, and so forth.

The amount of it is that something like \$1,250,000 or more was turned into the Treasury of money first that was left unexpended of the \$5,000,000 or so, and an additional \$1,000,000 and all of these collections, less the expenditure. That is not entirely closed up yet. Where our money went to Russia we have been able to recover some of it only. All was left in an unfinished state, naturally. You will remember that every morning we had a publication from the Bureau of Information giving certain facts and figures. I think it was furnished gratis for a while, and then they asked for subscriptions at a certain price, and very many people—I think some thousands of them—paid for a year in advance. Those people had to be protected. Either a certain amount of money had to be returned or the publication continued, and that was in addition to the higher class of work that the Secretary of War, who was the chairman of that board, and others wish to have done.

Mr. McKELLAR. Mr. President, I believe that is about the only good thing I ever heard about the Bureau of Public Information since it was created, and that is that it has been wound up; and I think it is very much to the credit of the body of people who are controlling it—they are not a board—that they did wind up the Bureau of Public Information. It never ought to have been permitted, just as this Council of National Defense was of very doubtful propriety. But the Senator gives as a reason why we should make this appropriation for the work of this body—it is not a council; the council has been dissolved—that it will look after this thing in the future. Why, the testimony is just the other way. It has practically been wound up, and will be wound up before June. The present appropriation runs to June, and the work will be completed long before that time. I have no doubt it has already been completed. It was practically completed last November.

I read from the testimony. I am talking about the Bureau of Public Information now:

The CHAIRMAN. For this year, how much of the appropriation is being expended for the work of the Council of National Defense as distinguished from other activities you are carrying on, such as the winding up of the Bureau of Public Information?

Mr. ELLSWORTH. There are only three salaries charged to that.

The CHAIRMAN. You are getting that work pretty well cleaned up?

Mr. ELLSWORTH. Yes, sir; that is very nearly cleaned up, and we expect to finish it in the next two or three months.

This was in November, and it is doubtless already cleaned up.

We have got all the money in as assets of the committee, and what we are doing now is to wind up the accounts of people who have had money advanced to them that we have not been able to get settlements from.

Mr. President, it is not a question of continuing the Council of National Defense, because that has already been discontinued. The Council of National Defense consisted of six Cabinet officers. They quit functioning. They did not meet. They never did meet, as a matter of fact. They met on one occasion, as I am informed, and appointed an advisory board, as provided under the act.

The advisory board has been discontinued. There is no longer any advisory board. All that are left down there are the chief clerks and some underclerks. They are nice men. I have not a word to say against them. They are no doubt doing in a very creditable manner what comes to their hands to do; but what they are doing is merely duplication of work done in other departments.

It is ridiculous for us to go on and appropriate money all of which goes to salaries. They have not enough to pay anything else. They can not do any real work except to look after

papers of some sort. They have no order or system about what they do, because they do not do what the act requires. They only do what may be turned over to them, and the only work we know of that has been turned over to them is the winding up of the Bureau of Public Information, in accordance with their own testimony, and that has already been done.

Mr. President, it seems to me that we ought to vote down this amendment; that it ought not to be adopted. This wasteful and useless expenditure of the public money ought to stop.

Mr. OVERMAN. Mr. President, the Committee on Appropriations of the House of Representatives took testimony in regard to this matter and thought that this appropriation ought to be continued. So did the Senate Committee on Appropriations. The Secretary of War testified before our committee that he had made the Council of National Defense the depository of all the great records of the war. They are there, and there are continual inquiries from business men about matters connected with the war, and they are furnishing information to them, and they are furnishing information all the time to the War Department and to the Navy Department as to where they can buy copper and steel and leather, and so forth. That is one of the things that went on during the war, and they are continuing that.

We asked the Secretary of War whether there was any duplication of work. I do not know whether there is or not. The Senator from Tennessee says there is. The Secretary of War says there is not. I do not know upon what basis the Senator made the statement.

Mr. McKELLAR. Mr. President, if the Senator will yield for a moment, I read the law which sets forth the duties of the Council of National Defense—not the clerks in the employ of the council, but the council itself, which has long since been dissolved.

Mr. OVERMAN. I heard the Senator from South Dakota [Mr. STEVENSON] read the law, and I say this is within the law, because Mr. Ellsworth in his testimony before our committee said:

For instance, we take the record of the investigations that are carried on by the other bureaus and bring them together for a small research staff of statisticians who can bring this information together and so prepare it that the needs of the various Government bureaus for the different war supplies can be so arranged that we can designate to the War Department where they shall go for their supplies of copper or steel or leather; the same to the Navy Department and the same to the other branches of the Government.

Under the law, as I have heard the Senator read it, that was one of the requirements. If so, they are within the law. I do not think this will last very long; but the Secretary of War says it ought to go on for another year or two, because of the vast records that are on deposit in this very bureau. He has made it the depository for those records, and they ought to be somewhere, so that if a man wants information he can go and see where these records are.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. OVERMAN. Yes, sir.

Mr. McKELLAR. I want to call the Senator's attention to the fact that in the Army appropriation bill we provide what shall be done with these records and how information shall be obtained from them. It is a mere duplication of work. The statement of the Secretary of War that it is not a duplication of work can not be taken as against the obvious facts given by these witnesses who have testified about what they are doing now, and comparing it with the law which tells them what they have a right to do.

Mr. OVERMAN. Here is what the Secretary of War says:

The Council of National Defense is now the depository of vast records of all kinds of war boards and bodies which have been disbanded, and their records are pertinent to so many departments that an interdepartmental agency for their custody seems necessary. Mr. Ellsworth, who is the acting director, can tell you something about the frequency with which those records are consulted.

And he goes on and says there is no duplication.

Mr. McKELLAR. If the Senator will yield, surely the Senator will not contend that the authority to look after these records, and to give information concerning them, is in the original act creating the Council of National Defense.

Mr. OVERMAN. All the information I have on the subject is found in the testimony of the Secretary of War.

Mr. McLEAN. Mr. President, I should like to ask the Senator from North Carolina if he knows how many men are now employed to furnish this information and what compensation they get?

Mr. OVERMAN. It is very small. They are under the civil service. They are paid very small salaries.

Mr. McLEAN. This bill provides salaries up to \$6,000 a year.

Mr. OVERMAN. I think that is the salary of the director, Mr. Ellsworth, who has been a very valuable man. He is the man that collected all this money that was left over by Creel.

I do not think there is a more valuable man in the department than Mr. Ellsworth, and he ought to have \$6,000, and he is the only one who is drawing that much. The others are clerks, getting from \$1,000 up to \$1,800 a year.

Mr. McKELLAR. Mr. President, in answer to the question of the Senator from Connecticut, I call attention to the testimony of Mr. Ellsworth, on page 421 of the House hearings:

We cut our force from 64 on the 30th of June to our present number of 43.

They have 43 employees there that they are paying now \$79,845 a year as salaries, when as a matter of fact the appropriation last year was \$75,000, and that is the mount of the one proposed here.

Mr. McLEAN. I understand from the Senator from North Carolina that all that this force does is to furnish information with regard to certain records.

Mr. OVERMAN. To gather the records, segregate them, put them together, and simplify them systematically, so that they can get this information. I do not know, really, what they do.

Mr. McKELLAR. Provided somebody asks for the information. There is no evidence here that anybody ever asks for the information, and if they wanted the information they would not go to this body. They would go to the War Department, where they could get it and where appropriations are made for the purpose of securing it.

The PRESIDING OFFICER. The question is on the amendment of the committee, to insert, on page 33, lines 9 to 17, inclusive, on which the yeas and nays is demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a pair with the junior Senator from Colorado [Mr. PHIPPS], which I transfer to the senior Senator from Nevada [Mr. PITTMAN], and vote "nay."

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I withhold my vote. I do not know how he would vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I understand his position in regard to this question is the same as mine, and I will therefore vote. I vote "yea."

Mr. WALSH of Massachusetts (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER] and in his absence withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from California [Mr. PHILAN] and vote "nay."

The roll call was concluded.

Mr. GLASS. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. McCORMICK. I have a standing pair with the junior Senator from Nevada [Mr. HENDERSON], which I transfer to the junior Senator from Maryland [Mr. FRANGE], and vote "nay."

Mr. KNOX. I transfer my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to the senior Senator from North Dakota [Mr. McCUMBER] and vote "nay."

Mr. WOLCOTE. I have a pair with the senior Senator from Indiana [Mr. WATSON], which I transfer to the junior Senator from Kentucky [Mr. STANLEY], and vote "yea."

Mr. WALSH of Montana. I have a general pair with the senior Senator from New Jersey [Mr. FREELINGHUYSEN], which I transfer to the senior Senator from Nebraska [Mr. HITCHCOCK], and vote "nay."

The result was announced—yeas 21, nays 41, as follows:

YEAS—21.

Colt	Hale	Ransdell	Thomas
Curtis	Jones, N. Mex.	Sheppard	Warren
Gay	Jones, Wash.	Smith, Ga.	Wolcott
Glass	Kirby	Smith, Md.	
Gooding	Lodge	Spencer	
Gronna	Overman	Swanson	

NAYS—41.

Ashurst	Heflin	McLean	Smith, S. C.
Ball	Johnson, Calif.	McNary	Sterling
Brandegee	Kellogg	Moses	Trammell
Capper	Kendrick	Myers	Underwood
Dial	Kenyon	Nelson	Wadsworth
Dillingham	King	New	Walsh, Mont.
Elkins	Knox	Poindestox	Williams
Fletcher	La Follette	Reed	Willis
Gore	Lenroot	Robinson	
Harris	McCormick	Shields	
Harrison	McKellar	Simmons	

NOT VOTING—34.

Beckham	France	Norris	Smith, Ariz.
Borah	Frelinghuysen	Owen	Smoot
Calder	Gerry	Page	Stanley
Chamberlain	Henderson	Penrose	Sutherland
Culberson	Hitchcock	Phelan	Townsend
Cummins	Johnson, S. Dak.	Phipps	Walsh, Mass.
Edge	Keyes	Pittman	Watson
Fall	McCumber	Pomerene	
Fernald	Newberry	Sherman	

So the amendment of the committee was rejected.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The ASSISTANT SECRETARY. The next amendment of the committee passed over is the total for the Federal Trade Commission, found on page 38, line 3, where the committee proposes to strike out "\$900,000" and in lieu to insert "\$800,000."

Mr. JOHNSON of California. Mr. President, I know how persuasive the arguments for economy are at the present time and I realize that the committee's desire is to present a bill here carrying the least possible amount.

But I realize, too, Mr. President, that the worst sort of economy is that which may impair efficiency or in any degree interfere with the legitimate activities of an arm of the Government, and because I think I realize that fact and because I believe that the amount originally allotted to the Federal Trade Commission is by no means excessive, I trust that the committee amendment will not be agreed to, and that the original amount of \$900,000 given to the Federal Trade Commission for its work will be the determination of the Senate upon the question.

I have been told, Mr. President, that the reason for this cut is economy, and because like cuts have been made in the appropriations for various other commissions, and inasmuch as it would seem, if the same cuts were made in regard to all commissions, that we ought not seriously to complain about the diminution of the amount allowed the Federal Trade Commission, I have had a very brief examination made of some of the cuts upon which this particular cut, it has been asserted, has been predicated.

The House, as Senators observe from the bill, allowed the Federal Trade Commission \$900,000. The Committee on Appropriations of the Senate cut that to \$800,000, a cut of \$100,000, or about 11 per cent. It was asserted to me when I began to inquire about the matter that the Interstate Commerce Commission had suffered a like reduction in amount; that \$300,000 had been eliminated from the amount asked by the Interstate Commerce Commission, in pursuance of the very laudable plan of the committee to enforce economy.

But it is likewise asserted to me, Mr. President, that the Interstate Commerce Commission, it is true, while allowed \$300,000 less in the bill presented to the Senate than the amount allowed by the House, is reduced in reality from the amount allowed the Interstate Commerce Commission last year but \$100,000, and therefore the reductions in the appropriations for the two commissions are quite the same, while the percentage of reduction is in the case of the Federal Trade Commission more than 11 per cent, and in the case of the Interstate Commerce Commission but 2.13 per cent. The Interstate Commerce Commission appropriation is \$4,593,000. The reduction, therefore, in the appropriation for the Interstate Commerce Commission is by no means commensurate with the reduction that is made in the appropriation for the Federal Trade Commission.

Then, again, in answer to the assertion that all along the line these reductions have been made, it is recalled to me that there is no reduction at all in the appropriation for the national park division and in the appropriation for the Geodetic Survey there is no reduction at all.

So that the principal reduction in the appropriations for commissions would appear to be, in matter of percentage at least, the reduction that has been applied to the Federal Trade Commission.

But all this, Mr. President, while more or less persuasive upon the argument of economy, is not in the last analysis the method upon which appropriations should be determined. The question is, Does the Federal Trade Commission perform its work and, performing its work, ought it to be allowed the sum it demands—\$900,000—appropriately to do that work?

That is the question after all. We make this question whether there has been a like reduction in appropriations for other commissions; whether or not the reduction in this case is in line with others. The work of the Federal Trade Commission, I realize, has met with many an animadversion in this Chamber. Perhaps we do not agree with some things that may have been done by the Federal Trade Commission, but, nevertheless, I dare assert that the Federal Trade Commission has done a monumental work and has been of lasting and of per-

manent benefit to the Government in its research and in its economic lines. I recall that the Federal Trade Commission, as has been so often claimed, does not voluntarily enter into business transactions or interfere with business. It acts when called upon, and only when called upon, and it then does its duty as it sees that duty. It has before it now cases pending which indicate that the appropriation which is asked by it is none too great.

I have heard it asserted upon the floor of the Senate that its salaries are excessive and extortionate, but the facts are that the administrative officers of the commission average \$1,300 per year, its economic department average \$2,000 per year, its attorneys average \$3,000 per year. Its chief counsel receives \$8,000 per year. The chief counsel of the Interstate Commerce Commission receives \$10,000 per year. The chief counsel of the Federal Reserve Board receives \$9,000 per year. I think that a comparison of the particular salaries that are paid by the Federal Trade Commission will demonstrate that, generally speaking, they are less than those paid by the other commissions for which very liberal appropriations are made.

I desire to recall just for an instant one kind, and this is but one angle, of the work being done by the commission, one kind of economic investigation, not made in the first instance at the behest of the commission but by order of one of the coordinate branches of the Government or by order of the President himself. During the last fiscal year they conducted an investigation of farm implements, an investigation of the grain trade, an investigation of sugar, Wyoming oil, coal costs, coal bulletins, flour milling costs, all at the instance and suggestion and command of the various departments of the Government. There are to be conducted before the end of the fiscal year an investigation of milk, the grain trade, cotton yarn, shoes, lumber costs, coal costs, wheat prices, and California oil. These were economic investigations, only a very small part of the work that is done by the Federal Trade Commission.

The cases upon its dockets now number hundreds. They are increasing, as the record shows, and because they are increasing, because of the work that has been done, because the hundred thousand dollars additional that was allowed and that is now asked will play no real part in the program of economy, I trust that the figure will be placed at the sum originally fixed in the bill.

Mr. JONES of New Mexico. Mr. President, there have been some reductions by the committee which I believe ought not to be granted. Of course we all want to economize at this time, and wherever a reduction in the expenses of the Government can be made we all want to make it. But here is a case where it seems to me it is not wise to make any reduction whatever. The Federal Trade Commission is greatly reduced now from what it has been in the past. As stated by the Senator from California [Mr. JOHNSON], a large part of its work is being done at the request of the Congress itself. It does not employ men simply for the purpose of giving them positions. If the record were presented to the Senate it would appear that at times the number of employees is somewhat large, and at other times very greatly reduced, dependent upon the immediate work in hand.

It is not a commission which is built up for the purpose of routine work, work which will command yearly salaries for a large number of people. Of course there is a regular work for the Federal Trade Commission which grows out of hearings upon complaints brought before the commission. The commission is charged with the duty of seeing to it that there is no unfair competition in the country. Cases of that sort are brought before the commission upon application of some citizen of the country who thinks that his business is being interfered with. It is largely to cases of that sort that the commission is devoting its time and attention. That class of work is piling up on the commission, because they have not the facilities now to perform the work as expeditiously as the public demands require.

I do not believe there should be any reduction in the appropriation for the Federal Trade Commission. I think its force now is reduced as low as it should be and that the great service of seeing to it that there is no unfair competition in the country should be carried on. We are all agreed to that. Here is the commission which has done remarkable work in that direction in the past. Why should we cripple it now? I do not believe that we should.

While I am on my feet I wish to offer a suggestion about another commission, and that is the Tariff Commission. I do not believe this is the time to reduce the appropriation for the Tariff Commission. It is proposed, in an amendment which will come up a little later, to reduce the appropriation for the Tariff Commission from \$300,000 to \$250,000. Here we are

facing legislation upon the tariff question such as we have never been called upon to face before. The situation is an emergent one. It involves vital interests of the country. The Tariff Commission has been furnishing us information. It is true that it has been called a free-trade commission, but I think that is very unjust, because the commission does not presume to do more than furnish facts. I do not believe it should be in the mouth of anyone to say that they have gone further than to furnish facts. If ever the country needed facts upon these great questions, this is the time. We are facing this most important legislation and we want all the light we can get. This great Federal Trade Commission is seeking to preserve fair competition in business at home. Why should we now cripple these commissions, both concerned with such vital interests of the country?

Mr. SIMMONS. Mr. President—

Mr. JONES of New Mexico. I yield to the Senator from North Carolina.

Mr. SIMMONS. I wish to ask the Senator if we did not have the Federal Trade Commission to investigate the various questions which are from time to time referred to that commission, and if we did not have the Tariff Commission to investigate the tariff question, would we not have to organize more congressional investigating committees than we have now? I know that a great many of the questions which we have referred to the Federal Trade Commission, if we had not had that instrumentality for making the investigation, would have required the organization of a congressional investigating committee and the reference of those questions to such a committee. I wish to ask the Senator from New Mexico if, in his opinion, the Federal Trade Commission is not better equipped for making such investigations and if an investigation made by it or its organization is not more likely to develop the fact than would be possible at the same expense by an investigating committee appointed by Congress?

Mr. JONES of New Mexico. I am extremely glad the Senator from North Carolina has asked the question.

Mr. SIMMONS. If the Senator will pardon me just a moment further, carrying the inquiry to the Tariff Commission, if we would rely upon our reports from the Tariff Commission, if we give that commission the confidence to which it is entitled, could we not greatly curtail these long and expensive investigations and hearings, as we call them, by some of our committees?

Mr. JONES of New Mexico. It has fallen to my lot to be a member of some of the investigating committees, and it has also fallen to my lot to be a member of the Senate Committee on Finance, which has been investigating questions bearing upon the tariff of the country. I wish to say that there can be no question, as intimated by the Senator from North Carolina, but that such a body as the Federal Trade Commission can do much more effective work and do the work more cheaply than can be done by an investigating committee appointed by the Senate or the House.

The principal thought, however, which I wish to impress upon the Senate is that when the Federal Trade Commission undertakes to investigate a subject, it itself gathers the facts. When we have a committee of the Senate appointed to carry on an investigation, in the great majority of instances we only get witnesses who come to the committee with their personal grievances. They come with biased testimony. They come for the purpose of impressing their own thought upon the committee. There is no impartiality about it. But let the Federal Trade Commission, with its corps of experts, take up the subject and we can generally rely upon the results which they find. The same is true of the Tariff Commission.

It seems to me we may well take a calm view of the situation. Just imagine what the situation will be this summer when the Finance Committee undertakes to pass tariff legislation. Who will be brought there if we do not have a tariff commission? Who will come here? I apprehend that in ninety-nine cases out of a hundred there will be men come here who have a particular purpose to accomplish, who want some specific advantage out of the legislation of the country. Does not the Senate want some tribunal equipped for the purpose to gather information so that it may act in an intelligent way?

I do not think it is necessary to argue the question any further. We need the Federal Trade Commission to examine these domestic questions. It has the equipment. We can not examine into these questions unless we have a body equipped for the purpose and unless we have men who are trained for the purpose of making such examinations, accountants, cost accountants, people to ascertain the facts concerning the trade. We have to have these experts, and if we do not have the Federal Trade Commission we are simply crippling an arm of the Government as essential to its prosperity as any other.

Mr. President, I do not care to discuss these matters any further, but I sincerely trust that the appropriation for the Federal Trade Commission shall not be reduced from the amount which the House fixed. In my judgment, \$900,000 in itself is not as great as the appropriation should be, but at least let us keep it where the House has put it. Likewise when we come to the Tariff Commission let us keep the appropriation for it at the amount fixed by the House.

Mr. THOMAS. Mr. President, when the Clayton bill was before the Senate for final adoption, I voted against it. If my memory serves me aright, it was that bill which created the Federal Trade Commission. If that act were before the Senate for repeal, I should vote to repeal it, not because of the fact that it created the Federal Trade Commission but for other reasons, to which it is not necessary for me now to refer.

I have some question about the success of the Federal Trade Commission. I think it has attempted honestly and fairly to investigate many, in fact a great majority, of the subjects which have been brought to its attention and which under the law it is required to consider. There is no evidence which to my mind is convincing of the proposition that the commission has not attempted, fairly and impartially, to investigate all the subjects to which its attention has been directed. The fact that it has made investigations of large business concerns has necessarily created a great deal of friction, and has caused much resentment and many bitter criticisms both as to its purposes and intentions and as to the methods of its procedure. That is perfectly natural, and indicates, whatever else it may indicate, that that commission is trying to probe matters to the bottom.

I do not think the commission has yet been in office long enough for the country to determine whether it is sufficiently useful to be perpetuated or not, but I do not think that obstacles should be thrown in the way of its action which may hamper and cripple and interfere with the performance of its obligations and which will afterwards be used as an excuse for its abolition. In other words, if we are first to deprive it of the necessary funds and then condemn it because it has not functioned as it should have functioned, we will be merely placing obstacles in its way to be used afterwards as an excuse for its ultimate destruction.

I know personally a great many of the gentlemen who have been connected with the Federal Trade Commission and who now compose its membership. I think they are first-class men. I know none of them against whom any imputation as to their integrity or capacity can be made. They are, perhaps, not the most capable investigators that the country could furnish, but they are certainly as capable and as competent as any that could be obtained for the compensation which the Government gives them.

They have had heretofore, if I am not mistaken—and if I am, I hope I shall be corrected—the sum of \$900,000. It is a large sum of money, but when it is considered that the jurisdiction of the commission is coextensive with the limits of the United States and it also may be utilized for the purpose of inquiring into trade abuses in our foreign commerce, the amount of money which is given to it in order to enable it to function is relatively small. Unless my memory is at fault, it has been the policy of the Senate Committee on Appropriations to cut down this appropriation every time the appropriation bill has come to the Senate. I know the committee is desirous of economizing as far as possible. I have no question that, in its judgment, the amount of money provided is sufficient. I am told that it is not; and I do not think, as I have before stated, we should create an agency of this kind and then interfere with and cripple it by refusing it the financial aid that it must possess.

We have the habit, Mr. President, of ourselves investigating many of the conditions which properly belong to the body which is known as the Federal Trade Commission. A committee of the Senate to-day is and for some time has been probing what are called the housing situation and the coal situation. That committee has virtually an unlimited power of expenditure; no boundaries are placed upon their capacity for expenditure, provided the scope of the investigation requires it. Who would for a moment think of limiting them? I question the propriety of a double investigation, but that is beside the proposition. We have authorized it; it is going ahead, and is in the hands of an extremely capable committee. I do not know what it will cost, but I venture the assertion that it will proportionately cost very much more than the \$900,000 for the Federal Trade Commission, which is designed to cover the cost of all investigations. So much, Mr. President, for that.

Now a word as to an amendment of the committee on page 48 of the bill referring to the Tariff Commission. I had occasion a year ago to protest against the reduction of the \$300,000

appropriation then made for the Tariff Commission to \$50,000, and the Senate, after some discussion, very properly, in my judgment, restored the provision as it came from the other House. The Tariff Commission is not a popular body with a great many. Many Senators on the other side of the Chamber and many on this side opposed its creation, and they gave some very substantial reasons for their position; I am not prepared to say that some of them were not almost conclusive.

I considered, however, that it was the part of wisdom to create this commission, believing then and believing now that, if composed of impartial investigators of fairly good capacity, they not only could but they would supply Congress with very much needed and very valuable statistical information regarding many subjects coming within the purview of our tariff legislation, and with which Members of the House and the Senate ex necessitate are unfamiliar. I think up to this time that commission has vindicated its usefulness. It does not pretend to make a high-tariff report or a free-trade report, nor any sort of a report beyond giving facts without any recommendations.

Mr. POMERENE. Mr. President, will the Senator yield to an interruption?

Mr. THOMAS. I yield.

Mr. POMERENE. The Senator a moment ago referred to the efforts on the part of Senators to increase the appropriation of the Tariff Commission.

Mr. THOMAS. To decrease the appropriation.

Mr. POMERENE. I am not quite sure as to the way in which that question came up.

Mr. THOMAS. It came up just as it comes up now.

Mr. POMERENE. I refer to a year ago.

Mr. THOMAS. It came up then just as it comes up now.

Mr. POMERENE. I know that the Tariff Commission has been very much crippled because of the fact that it has not had sufficient funds. It has been called upon at different times to secure information which they could only obtain by an increased staff, which they were not able to provide. I agree with the Senator that it would be a very great mistake to cripple either the Tariff Commission or the Federal Trade Commission.

Mr. THOMAS. The commission has been condemned within the last fortnight as a free-trade commission by the Senator from North Dakota [Mr. McCUMBER]. I do not think that the Senator really intended to be unjust and uncharitable toward the commission, yet I am constrained to believe that such is the attitude which his language indicates he occupies toward it. The Senator's criticism is doubtless based upon certain facts which have been embodied by the commission in its Tariff Information Series No. 20, referring to agricultural staples and the tariff. I am sure that I might—and I have read this document carefully—with equal propriety reproach the commission with being a high-tariff commission, because it furnishes quite as much material for arguments in favor of the agricultural clauses of the pending emergency tariff bill as it furnishes for arguments in opposition to it; it gives the facts; but the outstanding fact is that the Tariff Commission has given to the Finance Committee and to the Senate a document consisting of 190 pages that is crammed with information of the most valuable character, information that is absolutely reliable, and information that can not be obtained from any other source, except by going through the same painful processes and collating it from the various departments having to do with the subject.

It is one of the most creditable collections of practical detailed facts relating to great industries I have been able to secure during my eight years of service on the Senate Finance Committee. It is not perfect; there are some things in it that do not satisfy me, although I make no question about their accuracy.

I have here also a letter to the Committee on Finance on the woolgrowing industry, consisting of 34 pages; one to the Finance Committee on the wheat and flour trade, consisting of 19 pages; a survey of the American cottonseed oil industry, comprised in 26 pages; a survey of the American coconut-products industry, of 37 pages; a survey of the American bean industry, of 32 pages; a survey of the American soya-bean oil industry, of 22 pages; a survey of the American peanut-oil industry, of 18 pages; a survey of the American onion and garlic industry, of 21 pages, comprising only a part of the information gathered by the industry of the Tariff Commission and its subordinates, and immensely useful to every man concerned in the pending emergency tariff legislation.

Mr. SIMMONS. Mr. President, I suggest to the Senator that there are similar surveys—I have a batch of them half a foot thick in my office—with reference to many of the other important paragraphs of the tariff laws.

Mr. THOMAS. Yes.

Mr. FLETCHER. There is a volume of several hundred pages, nearly a thousand pages, I think.

Mr. THOMAS. Yes. That is what might be called their general work; but this work to which I am now referring is directly serviceable to the committees in the first instance, and to the Senate and the House in their consideration of the specific proposals of legislation.

There are, of course, gentlemen like the Senator from Utah [Mr. SMOOT], who seems to me to find his whole happiness in life in working all the time. I believe that if he ever sleeps at all he dreams about his work, and if his dreams awaken him he gets up and goes at it. Now, he does not need this help, perhaps, as much as I do. I could not work that way if I would, because I am not strong enough; and, unfortunately for the Senate, there are very few Members of this body, either now or heretofore, possessing the capacity for industry and the love for it that has characterized the public service of my friend the Senator from Utah; but the rest of us need it. Moreover, I have always been humanly weak enough to rely upon others to do as much of my work as possible; and when I discover an institution, like this commission, which not only does it but is almost as fond of work as my friend the Senator from Utah is, I want to encourage it.

The members of this commission, as far as I know, are more inclined to tariff duties than they are to revenue duties. One of its members is a citizen of my city, a man whose friendship I have always highly appreciated, and of whose abilities there is no question. I refer to Mr. Costigan, one of the most valuable and esteemed citizens of the city of Denver, public-spirited, and ready to contribute to the public service his capacity and his time wherever called upon. Mr. Costigan is a protectionist. He never told me so. I have listened to his addresses frequently before he became a member of this commission, and I have taken a great deal of pride in the fact that the recommendations which I made of him to the President have been vindicated by his work and his devotion to duty since his appointment.

I do not know intimately the other members of the commission. Dr. Taussig, the eminent first chairman of the commission—a publicist of world-wide reputation, who, unfortunately, was obliged to resign his post—perhaps came nearer to complying with my understanding of what a tariff-for-revenue man means than any other member of that commission; but the Senate, from the time of the creation of the commission, has seemed determined to limit its usefulness by crippling its financial support. They tell me that \$300,000 is barely sufficient for them to make any showing at all, and that \$250,000 will mean such a limitation upon their usefulness as to make it questionable to what extent they may be able to serve the public.

The Senator from New Mexico [Mr. JONES] very pertinently called attention to the enormous work confronting the Committee on Finance and the Ways and Means Committee in the next Congress, because it has been given out—and I have no doubt the statement is well founded—that tariff legislation will be the conspicuous feature of the work of the next Congress. That means, of course, the substitution all along the line of a revenue bill the percentage of whose duties will be very much higher than those now prevailing. We all know how changes in the tariff—that is, local changes, changes regarding specific items—tend to disarrange and to embarrass the whole schedule of duties. For example, the bill that is the unfinished business of the Senate not only disarranges but in some instances completely overthrows the prevailing schedules, to the dismay of a great many business men, and to the utter confusion of many of our lines of manufacture. Such conditions sometimes happen, even after the most careful deliberation, as the result of a systematic tariff revision.

To avoid these, and also to simplify and relieve very largely the duties of these committees, the work of the Tariff Commission, in my judgment, is more indispensable than ever. Next year will be the crucial test of its usefulness, and it ought to be given full opportunity as regards appropriations for the exercise of its powers, that it may contribute to the best of its ability to good legislation; and both protectionists and those who are not protectionists, I think, agree that this legislation, whatever it may be from a party standpoint, ought to be economically as good as possible. As I say, this is only a part of their work; but if this vast amount of statistical information is necessary for an emergency bill, what amount will be essential for the proper consideration of a general tariff revision?

The Senator from New Mexico [Mr. JONES] called attention a few minutes ago to the fact that those who come before the committees for information are interested parties. They either want a tariff, and want it badly, or they are opposed to certain tariff duties, and are opposed vigorously, and for selfish reasons.

Now, I do not mean to say that because a man is selfish he can not tell the truth; but I do say that the tariff legislation of the past, and doubtless to a great extent of the future, has been and will be largely disfigured by the intrusion of the selfish element in all applications for relief. The commonest question I have heard during the last two years of those appearing before us is, "How much duty do you want?" and, generally speaking, the amount stated by the applicant for Government favors is considered as the estimate of what he should have.

I do not mean to say that disinterested people do not come before the committees. They do, occasionally; but it is never the man whose personal interest is at stake who is necessarily driven to an appearance before the committee. If he wants the Government to go into partnership with him, he certainly is coming to Washington to urge it and give good reasons for it. If he does not want the Government to go into partnership with somebody else, he is impelled by similar motives in the opposite direction.

This commission is supposed to be impartial, and I believe it is. It is prohibited from making recommendations, and it never has, so far as I know; but its faculty—because it has built up a staff of experts, and the amount which they receive for the work which they do is very moderate—makes it, I repeat, the most desirable and the most indispensable aid which the Government can possibly furnish to those who legislate upon this mighty subject.

I hope, therefore, that the appropriations fixed by the House for these two commissions will remain in the bill, and that the Senate will reject the two amendments to which I have directed its attention.

Mr. SMOOT. Mr. President, I think it is due the Senate to know just why the Senate committee took the action it did in cutting the appropriations for the Federal Trade Commission, the Interstate Commerce Commission, the Tariff Commission, and some of the other commissions that pay their employees from lump sums.

The Appropriations Committee thought that the sentiment of the Senate was in favor of economy. We have heard so much about it, we have talked about it so much here on the floor, that the committee actually believed that was the sentiment of the Senate. There is only one way to economize, and that is not to appropriate money.

In this bill the Senate must have noticed that we have taken out of the statutory roll many employees; but just as soon as we touch the appropriation of a commission whose employees are paid from a lump sum, there is not a Senator but that is approached and asked to vote against the change.

I want to be perfectly frank in regard to the Federal Trade Commission, because that is the first one that was cut, and say to the Senate that Mr. Thompson, the chairman of that commission, was before the Senate Appropriations Committee. He wanted \$900,000, the same amount that was given him last year.

He said he needed the \$900,000; and there is not an estimate made, Mr. President, but that the ones making the estimate will assert that they need the amount asked for. The estimate made for the Federal Trade Commission was for \$1,000,000. The House gave them \$900,000, the same as they received the present fiscal year. When Mr. Thompson was before the committee we impressed upon him the fact that the committee was going to try to cut the expenses of the Government, and we asked him if he would not assist the committee in doing so. We told him that we intended to cut the appropriations for all commissions paid from a lump sum, and we decided to do that because of the information received when we asked each one of the commissions and some of the departments to furnish the committee with a list of salaries being paid out of lump-sum appropriations.

I think the Senator from Iowa [Mr. KENYON] has a list of the employees paid by the Department of Justice, and I hope he will call the attention of the Senate to that list. Then I would like to ask any Senator in this Chamber if he thinks it is proper and right that we should continue to permit not only the number of attorneys employed but the unheard-of salaries that are being paid.

Mr. JOHNSON of California. In the Department of Justice?

Mr. SMOOT. In the Department of Justice. The committee asked for a list of all the employees paid from a lump sum employed by this commission.

Mr. POMERENE. Since the question has been raised, may we not have those salaries stated, so that we may know what they are?

Mr. SMOOT. I will come to that. Now, take the employees of the Federal Trade Commission paid from the lump-sum appropriation. To begin with, there is a chief clerk at \$3,250 and a disbursing clerk at \$2,880. If Senators will read this bill they

will find that for chief clerks in the many divisions and bureaus of the Government we have appropriated \$2,250 each. I am not objecting to the salary of this chief clerk, although the heads of the departments come before the committee and say, "When my chief clerk is on the statutory roll he is paid \$2,250, but chief clerks when paid from a lump sum receive \$3,250."

Mr. POMERENE. Mr. President, has not the commission which was appointed some time ago to investigate the question of salaries recommended very substantial increases for all clerks?

Mr. SMOOT. I have not the report before me to give the information in detail.

Mr. POMERENE. I think the Senator will find that the salaries, most of them, have been increased, and I think very properly so.

Mr. SMOOT. The Senator says their salaries have been increased. I know they have not been increased in this bill.

Mr. POMERENE. I mean, the recommendations have been made. I did not mean to say they had been increased.

Mr. SMOOT. I misunderstood the Senator, then. I will call attention to the attorneys and examiners. Of attorneys and examiners there are 33, and the salaries aggregate \$124,760, or an average of \$3,781. Of special attorneys, that is, attorneys alone, there are 7. The amount paid is \$25,690, or an average of \$3,670, beginning with a special attorney at \$5,000. Then there is a special examiner at \$7,500, two special examiners at \$5,000, and two special examiners at \$3,000, a total of five, with an average paid the examiners of \$4,700.

Of special experts there are four, beginning with \$5,000, and the average is \$2,830.

Of special agents there are 28, and the average is \$2,728.

Mr. President, so that I may take in all of the draftsmen, multigraph operators, a general mechanic, laborers, telephone operators, messengers, assistant messengers, and messenger boys, I want to say that there are 311 employed by that commission. The amount of compensation out of that lump sum is \$660,020, or an average for everyone in the employ of the commission of \$2,123, including messenger boys and assistant messengers and all of the laborers and employees.

We thought, Mr. President, that if we appropriated \$800,000, and the salary list alone of all of the employees was \$660,020, the other expenses attached to the bureau, the difference between \$660,000 and \$800,000, or \$140,000, would be sufficient on an economic basis to take care of it.

Mr. Thompson told the committee that he would try to get along with the \$800,000. I am sure that if he tries, he can get along with it. I have not the least doubt of it, and I have not the least doubt when we take the Interstate Commerce Commission the same thing can be done. We cut that commission \$300,000, and we cut \$50,000 off the Tariff Commission, and it was because we thought that of all times in the history of our Government the heads of these commissions and the heads of our departments ought to try to economize now, and we asked them to do it; we have pleaded with them to do it. But you appropriate the money requested, and there never will be any kind of reduction in the expenses of the Government. That is just as sure as we are here.

Mr. SIMMONS. Did the Senator say that this \$100,000 cut is to apply to the lump sum?

Mr. SMOOT. Entirely so.

Mr. SIMMONS. Is it proposed to reduce the number of employees at all, or is each one of them to have his salary scaled?

Mr. SMOOT. That is left entirely with the commission.

Mr. SIMMONS. Eight hundred thousand dollars is now allotted in a lump sum?

Mr. SMOOT. In a lump sum.

Mr. SIMMONS. And it is proposed to reduce that to \$700,000?

Mr. SMOOT. No. For the present fiscal year it was \$300,000, and the House gave them the same for the coming fiscal year as for the present fiscal year.

Mr. SIMMONS. That is the total appropriation; I am talking about the lump sum.

Mr. SMOOT. That is all, with the exception of the commissioners, with salaries of \$10,000, and one secretary.

Mr. SIMMONS. The Senator said a hundred thousand was cut off the lump sum. What was the lump-sum appropriation?

Mr. JOHNSON of California. Nine hundred thousand.

Mr. SIMMONS. I thought that was the total appropriation.

Mr. SMOOT. It is, but there are five commissioners provided for at \$10,000 each.

Mr. SIMMONS. All the rest are paid under the lump sum?

Mr. SMOOT. Yes; paid under the lump sum.

Mr. SIMMONS. This, then, is a proposition to cut down the salary of everybody in proportion to this reduction of \$100,000?

Mr. SMOOT. It is for the commission to decide whether they want to cut the salaries, or get along with a less number of employees and less expense for running the commission.

Mr. POMERENE. If the Senator will allow an interruption, the Senator from Utah has criticized this appropriation because it was a lump sum, and because of the abuses which accompany lump-sum appropriations. In that behalf I am somewhat in sympathy with him. But he leaves the lump-sum appropriation.

Mr. SMOOT. We have asked if it were not possible to put the employees on statutory rolls, and the chairman and every member of the commission since its organization have said it is impossible to do so.

Mr. POMERENE. I think there is a good deal of force in that objection, and my sympathies run along the same lines as those of the Senator from Utah. But I am not in sympathy with the criticism of salaries of these lawyers and these investigators.

Mr. SMOOT. That is another question.

Mr. POMERENE. I know it is another question, but it is a very pertinent question. You have the average salary of these lawyers running about \$3,100 and a fraction over, according to the figures given by the Senator from Utah. But these lawyers and these investigators have to come up against the best ability in the United States. You have an investigation going on, let us say, of the packers, and they have to meet the keenest lawyers rich corporations can employ, and if you cut these salaries, in my judgment you will get a lower order of attorneys to do this business, and I think it would be false economy to do it.

Mr. SMOOT. Of course, Mr. President, in a case like that the attorney who would get \$2,460 would not be selected, and there are 33 of the attorneys and examiners.

Mr. SMITH of South Carolina. Was the hundred thousand dollars proposed to be left off less than what they had last year or less than what was estimated for?

Mr. SMOOT. Less than what they had last year. I suppose when this comes to a vote the committee amendment will be disagreed to. I do not think the Senate wants to cut appropriations; it looks that way, at least. But I again say that Mr. Thompson, the chairman of the commission, did ask for the \$900,000, and he did say to the committee that he would try to get along with the \$800,000.

Mr. POMERENE. What else could he say, under the circumstances?

Mr. SMOOT. I am very thankful for that much, because he is about the only one we have had before the committee who has ever said they would try to get along with a reduction.

Mr. POMERENE. At the same time, did he not also say to the committee that it would very materially cripple their work?

Mr. SMOOT. No; he said he was fearful it would. If the Senator had had the experience we have had on the Appropriations Committee with officials asking for appropriations, he would know what it meant.

Mr. POMERENE. Mr. President, I have a great deal of sympathy with the Senator and the committee in their work, but I do not believe that it is good economy to cripple these commissions; and I think that is what is going to happen if the committee's views prevail.

Mr. SMOOT. The Senator thinks that, I am quite sure, but I would not do a thing to cripple any commission. I would not do a thing to cripple the Interstate Commerce Commission, and I would not do a thing to cripple the Tariff Commission. If we are going to have them at all, the necessary appropriations ought to be made. But I think the time has arrived now when we must cut the expenses of the Government.

Mr. UNDERWOOD. Mr. President, will the Senator give me some information?

Mr. SMOOT. Yes; if possible.

Mr. UNDERWOOD. I know the Senator was one of the chief advocates of the establishment of the Tariff Commission, and I understand now the Senator is in favor of reducing the amount of appropriations from the estimates. In all human probability before next summer is past the party in charge of the Government will attempt a revision of the customs tariffs. I think the Senator will agree with me about that?

Mr. SMOOT. There is no doubt about that, in my mind.

Mr. UNDERWOOD. I want to ask the Senator if he is advised whether the party that will revise and rewrite the tariff laws will wait until they get a report from the Tariff Commission on their work?

Mr. SMOOT. As far as the provision in the bill is concerned, it will not affect any work of the Tariff Commission, because the bill does not take effect until June 30 of this year, and I am in hopes the tariff bill will be passed and become a law before June 30.

Mr. UNDERWOOD. That is not probable. It has never happened before. What I want to know is not with reference to the bill. The Tariff Commission is in existence now. I am not combating the view of the Senator with reference to the particular appropriation. What I would like to find out is for my own information. The Senator is a member of the Finance Committee, and I would like to have him tell me whether it is his purpose, when the bill comes to the Finance Committee, to await an investigation and report of the Tariff Commission before action is taken?

Mr. SMOOT. If they have any information on any question, I presume the committee will ask for that information; but if they have not, I do not think we are going to hold up a tariff bill until we hear from the Tariff Commission.

Mr. UNDERWOOD. Then why do we continue the Tariff Commission at all?

Mr. SMOOT. To gather information that has been reported here as having been gathered in the past, as stated by the Senator from Colorado.

Mr. UNDERWOOD. I am not reflecting on the work that the commission has done. It has had some very able men on it, and I think the work it has been doing has been well done, but most of its work has been theoretical and not practical. I am sure the Senator will agree with me about that, that it has not gone to the real questions that are involved in the writing of a tariff bill. They have theorized outside of that domain.

Mr. SMOOT. I will say frankly to the Senator that they have not gone to the fundamentals as I would have done had I been a member of the commission.

Mr. UNDERWOOD. I think anyone who ever had anything to do with a great tariff bill knows they have not done that.

Mr. SMOOT. I think, of course, for the amount that we have appropriated for the Tariff Commission, they do collect certain information, and they do collect it for the Congress of the United States. A great deal of that information could not be collected by each individual Member of the House and the Senate. That is a fact.

Mr. UNDERWOOD. Certainly, but the Senator agrees with me that it is not information which goes to the fundamentals in the writing of a customs tariff bill. The Senator also says that the Finance Committee will not wait for a report from the Tariff Commission. I have no doubt that if the Tariff Commission were given the opportunity and time to go into a study of the various questions that it is necessary for a commission to study to properly write a tariff bill, that they could give information that would be valuable; but that takes time, of course.

Mr. SMOOT. They have an appropriation, I will say to the Senator, of just the amount they are asking, which covers their requirements up to June 30 next.

Mr. UNDERWOOD. They have not secured that information yet.

Mr. SMOOT. I will say to the Senator that I hope by June 30 we shall have a new tariff bill in operation.

Mr. UNDERWOOD. But this is what I want to know from the Senator. If the Tariff Commission have not, in the four or five years they have existed, furnished information that will be useful in meeting the fundamental questions that are involved in writing a tariff bill, and if the Senator does not propose to wait in the future for them to secure that information, I should like to be informed of the reason for the existence of the Tariff Commission?

Mr. SMOOT. There are a great many things that they can do and a great deal of information that they can gather.

Mr. UNDERWOOD. I know there is a great deal of work they can do, but that is not what they were created for.

Mr. SMOOT. The Senator knows that it was impossible for the Tariff Commission, in the unsettled condition of the affairs of the world, to really get at the fundamentals that we have to have or ought to have in writing a tariff bill.

Mr. UNDERWOOD. In the center aisle of this Senate, in which I now stand, I informed the Senator from Utah of that fact three or four years ago when the Tariff Commission was created. I then said that it was impossible, in the disturbed business conditions of the world, for any commission appointed to get at the fundamental facts necessary or to be of use in writing a tariff bill. More than that, I am willing to say that I do not think we can get the information now, because it will be a year or two before business conditions settle and become stable so that we shall have a permanent basis upon which we can write fixed and conclusive and permanent tariff legislation.

Mr. SMOOT. I have seen some information that came from the Tariff Commission, I will say to the Senator, that was very beneficial not only to myself but to everybody else interested in the question.

Mr. UNDERWOOD. I am not criticizing the work they have done. I am not criticizing that at all. I simply say their work does not cover the scope they were appointed to cover.

Mr. SIMMONS. Mr. President—

Mr. SMOOT. I yield to the Senator from North Carolina.

Mr. SIMMONS. I agree entirely with the Senator from Alabama and the Senator from Utah that changed conditions, as they relate to the making of a tariff, will make it necessary for the Tariff Commission to obtain certain information that they have not yet been able to obtain and that they could not positively up to this time have obtained, because conditions are new. But, eliminating the new conditions which existed during the period of the war when we were not engaged with tariff legislation and tariff agitation, the Tariff Commission was diligently at work ascertaining facts as they applied to the tariff, and they have given us the benefit of those very expensive and comprehensive inquiries that will be of great value to us in the making of the tariff. Of course, we will need some additional information by reason of changed conditions, but I can not conceive of more valuable information than was possible of obtaining under conditions that existed in war time than the bulk of the information that the Tariff Commission has sent to the committee having charge of tariff legislation in Congress.

Mr. SMOOT. In relation to the Interstate Commerce Commission, I have here a list of their employees. It is quite in excess of the salaries paid by the Federal Trade Commission. It may be necessary to some extent, but the Interstate Commerce Commission starts out with a chief counsel at \$10,000; director of service, \$10,000; director of finance, \$10,000; director of traffic, \$10,000; assistant counsel, \$6,500; assistant counsel, \$5,000; attorney examiners, four at \$6,000.

Mr. SIMMONS. That is the Federal Trade Commission?

Mr. SMOOT. No; it is the Interstate Commerce Commission. I was going on with the Interstate Commerce Commission, because I think we ought to take a vote on one, and if we are going to increase the one, then we ought to increase the others. The committee have done what they thought was the proper thing to do, and did not make the cut until they examined the list of employees and the salaries that were paid them. We thought, after examination, that the small cut that was made in the appropriation for the commissions paid from a lump sum was not excessive, and only an effort on the part of the committee to see if the Senate of the United States really wanted to economize to meet the situation that I am quite sure is coming to the United States during the coming fiscal year.

The list is too long to print in the RECORD, but there are many positions paid \$10,000, and some above that, so we thought perhaps there could be a revision of the salaries more in conformity with conditions that will exist in the country during the coming year.

Mr. McLEAN. Mr. President—

Mr. SMOOT. Just a moment. During the war there were a number of commissions created, a great many of them in fact, and nothing would satisfy Congress but to pay the commissioners \$12,000 or \$10,000, and they are receiving those salaries to-day.

Mr. McLEAN. Have the total expenses of the commissions increased during the last 8 or 10 years?

Mr. SMOOT. For the present fiscal year, I will say to the Senator, we made an appropriation for the Interstate Commerce Commission of \$1,600,000. The committee thought that it was unwise and unjust and unfair to increase the appropriation for that commission over and above the existing amount appropriated for the present fiscal year.

Mr. McLEAN. What was appropriated for the present fiscal year?

Mr. SMOOT. \$1,600,000. The House allowed \$1,900,000, and the Senate committee have cut the appropriation for the Interstate Commerce Commission to the same amount that was appropriated for the present fiscal year.

Mr. KENYON. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. KENYON. I understand that the Interstate Commerce Commission have the same amount this year that they had last year.

Mr. SMOOT. They have; that is, I mean, with the Senate taking \$300,000 off of the House provision.

Mr. KENYON. And the same amount that the commission had last year?

Mr. SMOOT. Yes.

Mr. KENYON. Still the Federal Trade Commission are given \$100,000 less than they had last year?

Mr. SMOOT. That is true.

Mr. LENROOT. Does not the transportation act increase the activities of the Interstate Commerce Commission and make necessary very much greater expenses?

Mr. SMOOT. I can not say how much expense was attached to that.

Mr. POMERENE. In one particular especially we have authorized the Interstate Commerce Commission to pass upon all securities that may be issued by railroads. That is simply one branch, and I might refer to others. We have increased their activities very greatly.

Mr. SMOOT. I think that statement is correct. I think the activities of the Interstate Commerce Commission have been increased, and therefore we did not undertake to cut them below what we appropriated for them for the present fiscal year.

I do not know that there is any necessity of saying anything more upon the subject. If the Senate thinks that the committee have made a mistake in trying to equalize, at least to a small degree, between the statutory salaries paid by the old departments and those paid by the commissions and boards that have been created in late years, all they have to do is disagree to the amendments proposed by the committee. But I say again that I think if we disagree to one, we ought to disagree to all, and let them all be treated alike.

Mr. SIMMONS. I would like to ask the Senator from Utah if the appropriation to the Interstate Commerce Commission is made in a lump sum?

Mr. SMOOT. It is made in a lump sum with the exception of the salaries for the 10 commissioners, who, of course, are enumerated in the law, and the secretary, who receives a salary of \$7,500.

Mr. SIMMONS. Early in the Senator's statement he read the salaries paid by the Federal Trade Commission to attorneys and experts. I suppose they are fixed by the commission?

Mr. SMOOT. They have the right to do that. They can pay them anything they want to.

Mr. SIMMONS. A little later the Senator read the salaries paid by the Interstate Commerce Commission to lawyers and experts.

Mr. SMOOT. Yes; a few of them.

Mr. SIMMONS. The Interstate Commerce Commission fixes those salaries, does it not?

Mr. SMOOT. It fixes them at any figure it sees fit.

Mr. SIMMONS. I notice this fact. I am not meaning to say that the Interstate Commerce Commission does not require, probably, a little higher quality of talent and higher class of experts, but I notice a very marked difference between the salaries paid by the Federal Trade Commission for attorneys and experts and those paid by the Interstate Commerce Commission for attorneys and experts. I think the difference must have been very nearly twice as much in favor of that class of employees in the Interstate Commerce Commission.

Mr. SMOOT. Not twice as much, I will say to the Senator.

Mr. SIMMONS. Not that much; no; but it was certainly half as much more.

Mr. SMOOT. The highest-paid attorney on the Federal Trade Commission is \$8,000, and there is only one.

Mr. SIMMONS. The average is only \$3,000, I believe.

Mr. SMOOT. \$3,781.

Mr. SIMMONS. Most of the attorneys of the Interstate Commerce Commission are paid \$7,000 or \$8,000, and some of them as high as \$10,000, as I remember it.

Mr. SMOOT. They get higher salaries, I will say to the Senator.

Mr. SIMMONS. Very much higher; and yet, according to the Senator—I have not inquired into it myself—when we make the reduction in the salaries or in the appropriations for salaries of the Federal Trade Commission, we cut off, I believe the Senator said, 11 per cent—

Mr. SMOOT. Yes.

Mr. SIMMONS. While when we make the reduction in the appropriation for salaries of the Interstate Commerce Commission employees we cut off, I think the Senator said, only 2 per cent.

Mr. SMOOT. That is the only difference between what was appropriated for last year and this year. If we cut \$300,000 off of an appropriation of \$1,900,000, as proposed by the House, we simply reduce it to the same figure that was appropriated for the present fiscal year.

Mr. JOHNSON of California. If the Senator will permit me, that is not a cut in the appropriation. It is a reduction from the excess allowed by the other House.

Mr. SMOOT. I wanted the Senator from North Carolina to know the difference. It is not on the same basis of computation.

Mr. SIMMONS. No; but the idea which I wished to convey was that with the salaries paid by the Federal Trade Commission very much less for similar service than those paid by the Interstate Commerce Commission, it seems to me that when a reduction of fixed salaries is to be made it ought to be less in

the case of the Federal Trade Commission than in the case of the Interstate Commerce Commission.

Mr. SMOOT. I do not think it is necessary for me to say anything more at this time.

Mr. FLETCHER obtained the floor.

Mr. McCUMBER. Will the Senator from Florida yield to me for just a moment, in order to make a motion?

Mr. FLETCHER. I yield.

Mr. McCUMBER. I move that when the Senate adjourns today it adjourn to meet to-morrow at 11 o'clock.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The question is on the motion of the Senator from North Dakota.

The motion was agreed to.

Mr. FLETCHER. Mr. President—

Mr. WARREN. Will the Senator yield to me for just a moment?

Mr. FLETCHER. I yield.

Mr. WARREN. Mr. President, I wish to say to the Senate that the existing situation is very serious, if not actually alarming, as to the state of business before Congress. We have only three weeks remaining of the present session and not a single appropriation bill has become a law; in fact, not a single one is yet ready to be presented to the presiding officers of Congress for their signatures. Unless we can curb some of the long speeches which are being made in the Senate we certainly shall lose—I do not know how many—appropriation bills. We might, perhaps, by meeting early in the morning and by remaining late in the evenings crowd on sail and reach some earlier conclusion of the appropriation bills. I feel that, in the interest of legislation, after to-morrow, unless we can get along a little faster, we shall have to ask for evening sessions.

Mr. POMERENE. Mr. President, if the distinguished chairman of the Committee on Appropriations will not object to some of the appropriations which Senators want we shall economize a good deal of time.

Mr. WARREN. Mr. President, the galleries require a great deal of attention, as the Senator from Ohio knows, and there is a certain amount of entertainment to which they are entitled and which Senators desire to accord to them.

Mr. UNDERWOOD. I suggest that we might go into executive session and thereby avoid the consumption of some time.

Mr. WARREN. We may have to do that yet, let me say to the leader of the minority side of the Chamber.

Mr. FLETCHER. Mr. President, I am perfectly willing that the Senate shall go into executive session for the consideration of this entire bill or for any other purpose. Of course, while the observations of Senators as to the necessity for haste come just as I obtain the floor, they can not possibly have any reference to any consumption of time on my part, for I have not consumed 15 minutes, I think, up to this time in the consideration of the pending bill. I quite agree with the Senator from Wyoming [Mr. WARREN] that there has been a frightful, a shameful waste of time here; I quite agree that we have had too much talk, incessant talk, boring everybody, tiring everybody, getting nowhere. I quite agree with the Senator as to that, and I wish we might find some way to stop it; but I have not yet indulged in it.

I have risen now, Mr. President, simply to say that I quite agree with the observations made by Senators who have preceded me in opposition to these amendments. I shall not repeat their arguments, and I may not add to them. I favor the provisions in the bill as it came from the House and object to the committee amendments which have been proposed as to the Federal Trade Commission, as to the Tariff Commission, and as to the Interstate Commerce Commission. I do not believe those proposed reductions ought to be made.

For the Federal Trade Commission the other House allowed \$900,000, and the Senate committee proposes to reduce that to \$800,000. The estimates call for the appropriation of a million dollars. That body is doing an immensely valuable public work and is doing it in pursuance of law and as required by law. I do not think it ought to be crippled. I believe that it would be a great mistake to reduce their appropriation to the amount proposed by the Senate committee. The salaries of its attorneys and examiners which have been referred to by the Senator from Utah [Mr. SMOOT] are very low. I think the Senator found that the chief counsel for that commission, the principal legal advisor of the commission, only receives \$5,000 a year; that their other attorneys receive \$3,200; their examiners, \$3,200; and the like. Those are very low salaries and no one ought to complain of them. Those men ought to get more; their salaries ought to be increased. I do not see how the commission can do its work and employ such men as are necessary in this very important technical work for such salaries as those.

As to the salaries which are proposed to be paid the attorneys for the Interstate Commerce Commission and its other employees, they seem to be somewhat higher, according to my understanding of what the Senator from Utah read; but I can see in that case where there is need of high-class attorneys and men of exceptional and special ability in the direction of the particular work which they are doing. All three of these commissions are doing a particular kind of work, calling for expert knowledge and ability and training. It can not be expected that these commissions can secure the services of men who could do that work thoroughly and efficiently unless they are paid decent salaries.

The estimate in the case of the Federal Trade Commission was for \$1,000,000. The other House has not been overgenerous in providing appropriations. I think I may say that without any undue reflection or any impropriety. They have allowed the commission \$900,000, and the Senate committee proposes to strike \$100,000 from that appropriation and to allow only \$800,000. I think that would be a mistake.

The proposal is to reduce the appropriation for the Interstate Commerce Commission from \$1,900,000 to \$1,600,000; in other words, to reduce it by \$300,000. There never was a time in the history of the country when the work of these three important commissions was more highly desirable and demanded than today. The Interstate Commerce Commission never had such responsibilities on it since the date of its creation as it has today. The same thing is true as to the Federal Trade Commission and the Tariff Commission in their respective fields. As has been said here, the Tariff Commission is doing splendid work, which requires men of peculiar training and expert knowledge and of great ability in order that the information they furnish Congress may be trustworthy and of real value.

I can understand how the Appropriations Committee wishes to reduce appropriations. Of course, one way of reducing appropriations is to change nine to six and to change ten to eight, and that sort of thing; but that is not economizing; that is not saving money for the public; that is not in the interest of the country. It seems to me it is merely changing figures, and apparently reducing the appropriation. We have got to take care of these agencies of the Government which are performing this great public work by providing them with sufficient funds to enable them to do the work which Congress expects of them, which the country requires of them, and which by act of Congress itself they are required to do. I think it would be a mistake to agree to the committee amendment in each of these instances.

Mr. KENYON. Mr. President, after I conclude the brief remarks I desire to submit on the pending amendment I shall join with the other Senators who, having concluded their remarks, denounce any further discussion of the subject.

As a member of the committee, I feel some embarrassment in relation to the amendment. Between an earnest devotion to economy and a thorough belief in the work of the Federal Trade Commission, I find it somewhat difficult to make up my mind as to the proper vote.

I was not present in the committee when this amendment was adopted; I was not a member of the subcommittee; but when I heard of the adoption of the amendment I felt it was a deliberate attempt to cripple the Federal Trade Commission. I do not apply that remark at all to the chairman of the committee; but there is a very intense feeling, as everyone knows, in this country against the Federal Trade Commission; there is a deep-seated animosity on this floor on the part of many Senators to the Federal Trade Commission, and there has been much criticism of its work, as has been evidenced here in the last few months. I sometimes think that if the Federal Trade Commission would do nothing, would be good, would not interfere in any way with crooked business in this country, perhaps it would not be in so much trouble most of the time; but, made up of men earnestly devoted to public duty, fearless and courageous, as they have been, in finding out and exposing to the people of this country some of the methods of crooked business, it has had to run the gantlet of criticism and even of abuse, just as anybody who goes up against not big business but crooked business in this country does. So, perhaps, I was over-suspicious about the reduction of this appropriation; but my mind went back some years ago, when we had a fight on this floor over the reduction of the appropriations for the Federal Trade Commission, as a consequence of which the amount desired was restored to the bill.

I am committed to the amendment to the extent that, if we are to follow a policy of economy, which we must do somewhere and somehow, and other commissions, such as the Interstate Commerce Commission and the Tariff Commission, are to have

their appropriations reduced, in pursuance of the general policy of rigid economy, for my part I am willing that the appropriation for the Federal Trade Commission shall be reduced; but if the Federal Trade Commission is to be singled out and its work crippled and it is to be treated differently from the other commissions, then I am not willing by my vote to indorse that kind of a policy.

It rather appears from the testimony that many Senators believe that we are reducing the appropriations in the case of the other commissions below the point of efficiency, and, accordingly, they desire to restore the original appropriations.

I wish to say now in this connection while I have the opportunity and in reply to some statements of the Senator from Maine [Mr. FERNALD] in his speech on the packer bill as to the work of the Federal Trade Commission, that in no year since its existence, save one, has it spent more than the appropriations allowed it by Congress; in other words, it has only had one deficiency, contrary to the experience we have had with most bureaus and commissions of the Government; it has never spent for printing any sum other than that included in the appropriations for it, in which respect it has been different from many of the commissions and departments of the Government; and there has never been a year in which it has not turned back to the Treasury some money left from the appropriation provided for it.

The Senator from Maine [Mr. FERNALD], in his speech on the packer bill, said that the Federal Trade Commission has cost approximately \$7,500,000 since it was organized. The facts are that this commission since its organization in 1914 has spent \$5,306,058.71, which was \$591,945.37 less than the funds available by appropriations and allotments.

The Senator from Maine said in that address, as I remember it, that \$1,055,000 was allowed by Congress in 1920, and yet that the Federal Trade Commission, regardless of that large amount, spent an additional \$150,000. The facts are, Mr. President, that the Federal Trade Commission did not spend the \$150,000 in addition to its appropriation, as claimed by the Senator from Maine. The facts are as follows:

In the year 1920 the chairman of the House Appropriations Committee asked the commission to come before the Appropriations Committee, and asked them if there was not something they could do to help solve the question that was then troubling the country, namely, the high cost of living, and see if they could not do something to cut it down. It was suggested by the commission that one of the first steps in bringing down the high cost of living was to ascertain what were the actual costs to the producer of the various basic commodities, among them coal, steel, lumber, and so forth. That action was taken by the House committee without any initiative or request upon the part of the Federal Trade Commission, and subsequently Congress appropriated this \$150,000. The commission commenced on its work to find out what the various commodities were costing. It was met, however, with injunctions from various business concerns in the country, which stopped the work of the commission, and it notified Congress that it would turn back the \$150,000, and it did; so that statement on the part of the Senator from Maine is not correct.

The Senator from Maine stated, too, that since the organization of the commission in 1914 it has spent \$70,639 for printing and binding. As I stated before, the commission has spent since its organization, covering a period of seven years, \$117,639, or an average of less than \$17,000 annually, strictly within its appropriations, in printing its annual report and other publications.

This commission did valuable work during the war. It saved more than the amount of its appropriation in the way of investigating cost prices of things that the Government was compelled to buy. On a single purchase in 1918 of medicated gauze for the medical department of the Army the commission found costs on which was based a price that saved the Government over \$1,000,000 on one item, and in the investigation of many war materials it caused a reduction to the Government in the prices of much more than any amounts that have ever been appropriated for the Federal Trade Commission.

This commission is one of the most useful branches carrying on the work of this Government. I believe it is a commission in which the average, everyday people of this country have tremendous confidence, and from which they believe that everyone will receive a square deal. It ought to have enough money to do its work, and do it properly and efficiently.

It is true, as the Senator says, that Chairman Thompson was before the committee. I felt rather sorry for him. He was interrogated rather sharply, and he did say that they would try to wiggle through on the \$800,000. I have talked with him since, and I know—patriotic man that he is—that he realizes

the condition of the finances of the Government. I know that he is willing to try to get through on this \$800,000, and if these other commissions are to be held to the cuts within the bill, for my part I would feel like standing by the committee arrangement, but if they are not, then I would not want to do so. As the Senator from Utah [Mr. SMOOT] says, all of them should be treated alike; but I understand that the reduction of the Interstate Commerce Commission still gives them exactly the same amount of money that they had last year, while the reduction of the Federal Trade Commission gives them \$100,000 less than they had last year, so that the two commissions have not been treated exactly alike.

Mr. SMOOT. Mr. President, I want to say in passing that the estimate of the Interstate Commerce Commission was \$2,160,000, but the House cut it to \$1,900,000, while the estimate of the Federal Trade Commission was \$1,000,000.

Mr. KENYON. Mr. President, I am not going to take up the time of the Senate further; but inasmuch as a good deal of the opposition to the Federal Trade Commission has arisen because of their investigation of the packers and inasmuch as they are continually pursued by the packers, it might be appropriate to place in the Record a statement concerning a dividend—it may be a little foreign to this exact subject—of one of the packers, a stock dividend the other day of 1,233 per cent.

I think I ought also to put in a defense of this, as published in the Public Ledger, of Philadelphia, the defense being, in substance, that it was a very foolish time, while the matter of the packers was under discussion in Congress, to declare this kind of a stock dividend. I may do that later. When the Federal Trade Commission are compelled to meet the kind of lawyers that can be employed by those who are declaring stock dividends of 1,233 per cent they are compelled to have the very best they can secure, and that costs money.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. KENYON. I do.

Mr. ROBINSON. Does the Senator know whether, by declaring that enormous stock dividend, the packing corporation escaped the payment of taxes which would have been due the Federal Government if the dividend had been declared in the usual form?

Mr. KENYON. The Senator knows that as well as I do, and he is evidently answering his own question in asking it. The stock dividend by Morris & Co. seems to have been a modest one of only \$37,000,000 as given by the Chicago Tribune.

Mr. ROBINSON. The total capitalization at that time was something like \$3,000,000—a little over \$3,000,000, I think.

Mr. KENYON. I think so.

Mr. ROBINSON. The Supreme Court, prior to the stock dividend being declared, had held that stock dividends were not subject to a certain class of taxes.

Mr. KENYON. There are other things that I should like to talk about, if I did not feel that I was taking up time, as to the warfare against the Federal Trade Commission by certain interests in this country; but at some future time I am going to take up that matter and analyze it, especially as all the Senators, I think, have received letters from the Chamber of Commerce of the United States protesting against the packer bill, and protesting against any regulatory measures, which I shall not go into at this time. I shall try to show, when opportunity presents itself, the part played by the packers in the Chamber of Commerce of the United States. It will develop, I think, that some of the attorneys of the packers are officers of the chamber of commerce and some of the packers are directors. It will be well for the people of the country to know just who are the controlling spirits of the much acclaimed chamber of commerce. At a future day I shall address myself to that subject.

Mr. WARREN. Mr. President, I do not rise to discuss this matter, except to say that the debate so far has seemed to cover three different items—the Tariff Commission, the Federal Trade Commission, and the Interstate Commerce Commission. I think they are equally deserving or not deserving. The committee's only object was economy and an effort to save expense. They have laid the matter before the Senate. It is for the Senate to decide. I only ask that there may be placed in the Record—I shall not ask to have it read—a letter just received from the chairman of the Interstate Commerce Commission, Mr. Clark, in which he expresses for the commission the reasons why he considers that they should have more money, and states the duties that have been added to those they have had heretofore.

The PRESIDING OFFICER. Without objection, the letter will be printed in the Record.

The letter is as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 7, 1921.

HON. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

DEAR SENATOR: The commission has noticed that your committee reported an amendment to H. R. 15422, being the sundry civil appropriation bill for the fiscal year ending June 30, 1922, in line 25, on page 38, reducing from \$1,900,000 to \$1,600,000 the appropriation carried in the House bill for the general fund from which all expenses of the commission must be paid, except those specifically provided for in separate appropriations.

The commission has requested me to write you inviting attention to the fact that the transportation act very largely increased the jurisdiction and duties of the commission. Among the important items of added or new jurisdiction may be mentioned supervision of issuance of stocks and bonds, passing upon applications for certificates of public convenience and necessity for the construction of new road or abandonment of existing road and very largely amplified jurisdiction over questions of service and physical operation of roads and very exacting and important duties in ascertaining and certifying the amounts due the carriers under the guaranty provisions of the transportation act. Necessarily these new duties involve additions to our forces and providing funds therefor. Intelligent consideration and determination of questions involving issuance of stocks or bonds and determination of the Government's obligation to the carriers and the carriers' indebtedness to the Government and various important questions of physical operation or service require men of capacity, unquestioned integrity, experience, and industry. We note that in the debate on the floor of the Senate some reference was made to the salaries paid by the commission. We have never expended a dollar in this or in any other direction which we did not feel was fully justified in the interests of the service. Securing accountants of desired capacity and character has been unusually difficult during the last two or three years and is at the present time. We have not in any instance fixed a salary that did not seem to be imperatively necessary in order to induce men to enter the service rather than to accept offers from outside the Government service which from the sole point of salary were more attractive.

It is essential if the commission is to perform its duties in an efficient manner that questions affecting the finances of the carriers or their service to the public shall be considered and disposed of promptly. A question of financing, if handled with promptness, can be carried through, while often if there is serious delay in securing authority the money market conditions have so changed that when the authority is given it is impossible to float the issue.

We have always attempted to be conservative in our estimates and to conserve the public funds. It is a matter of common knowledge that the Congress recognized the fact that the commission was rather overloaded with work before the transportation act was passed and these additional duties were placed upon it. Congress, of course, desires the commission to do its work in a thorough and creditable manner and with that promptness which the character of the work makes indispensable, and we therefore desire to bring these matters to your notice in the hope that the importance and merits of the situation may be recognized by withdrawal of the amendment referred to and restoration of the appropriation carried in the House bill. We are in full sympathy with the policy of economy in every reasonable and appropriate way, and at the same time feel that we are in accord with the sentiment which undoubtedly actuates yourself and your committee that economy shall not be exercised at the expense of proper and appropriate conduct of the public business.

May I not on behalf and at request of the commission express the hope that these matters will have your consideration, and that that further consideration will lead to affirmative action along the line I have suggested?

Yours, very truly,

EDGAR E. CLARK, Chairman.

Mr. WALSH of Montana. Mr. President, bearing in mind the admonition given us a short time ago by the Senator from Wyoming, I desire to submit a few observations upon the pending amendment.

Reference has been made, in connection with the work of the Federal Trade Commission, to what might be characterized as the spectacular portion of its duties—the investigations carried on by it, either under the general law or under the special authorizations by Congress. These authorizations have been quite frequent recently. I might say, in this connection, that recently a very decided effort was made in the Senate to impose upon this commission the very extensive and onerous duties created by what is known as the packer bill—a testimonial, I take it, to the high character of the commission. It is singular that it was those who were originally opposed to the creation of this commission who, as a rule, sought thus to impose these additional duties upon it.

I wanted to speak, however, for a few moments about its more ordinary and perhaps more important duties—the duties conferred upon it by section 5 of the act creating the commission, and the subsequent sections providing for injunctions against unfair practices in competition. This is not work of a character that ordinarily engages the attention of the public; but it is discharging in that connection a very important work, as disclosed by its report, a copy of the last report being now before me, that lists an enormous number of proceedings now pending before the commission under section 5 to restrain unfair practices in competition.

To show how important this was to every household in the country, I refer to some of those that are listed. For instance, taking them at random, we find Complaint No. 30, Federal Trade Commission against the Western Clock Co. Charge: Attempting

to eliminate competition in the sale of certain alarm clocks by fixing the resale prices and refusing to sell to those who fail to maintain such prices.

Complaint No. 87, Federal Trade Commission against the Crescent Manufacturing Co. Charge: Stifling and suppressing competition in the manufacture, marketing, and sale of baking powder, spices, tea, coffee, and flavoring extracts, by fixing resale prices and refusing to sell to those who did not agree to maintain such specified standard resale prices.

Complaint No. 89, Federal Trade Commission against L. E. Waterman Co. Charge: Stifling and suppressing competition in the manufacture, marketing, and sale of fountain pens.

Complaint No. 90, Federal Trade Commission against Cluett, Peabody & Co. Charge: Stifling and suppressing competition in the manufacture, marketing, and sale of men's collars, by fixing and maintaining resale prices.

Complaint No. 123, Federal Trade Commission against the American Can Co. Charge: Price discrimination and price fixing on condition that the purchasers shall not use or deal in the product of competitors.

Complaint No. 126, Federal Trade Commission against the Ironite Co., Master Builders' Co., and United Products Co. Charge: Stifling and suppressing competition in connection with the manufacture and sale of cement and concrete hardener.

Complaint No. 159, Federal Trade Commission against the United Rendering Co. and others. Charge: Stifling and suppressing competition in the business of refining animal fats, and the manufacture and sale of products therefrom.

Complaint No. 184, Federal Trade Commission against the Enders Sales Co. Charge: Stifling and suppressing competition in the sale of safety razors and blades by fixing and maintaining resale prices.

So, Mr. President, the proceedings reach to almost every article of production in the household, the effort being to re-establish competition.

I have referred to cases which are pending. I want now to call the Senate's attention to a few disposed of by the commission, the first among them being Complaint No. 15, the Federal Trade Commission against Curtis Publishing Co. Charge: Using unfair methods of competition by refusing to sell its periodicals and publications to any dealer who will not agree with respondent that he will not sell or distribute the periodicals or publications of certain competitors with respondents to other dealers and distributors, in alleged violation of section 5 of the Federal Trade Commission act.

It is well known that the Curtis Publishing Co., of Philadelphia, publishes the Saturday Evening Post, the Ladies' Home Journal, and the Country Gentleman, and they exact of newsdealers, or did exact of newsdealers, all over the country an agreement that they would not deal at all in the productions of other competitors, and if they violated the agreement they were deprived of the right to sell these standard periodicals, which were in demand, practically putting themselves out of business. That charge was found to be sustained by the Federal Trade Commission, and an order was entered requiring the respondents to cease and desist from the practices complained of.

I refer to this case particularly, Mr. President, because some time ago one of the Senators from the State of Pennsylvania denounced roundly the Federal Trade Commission as an obstacle to business in this country engaged in unwarranted interference with business operations, and remarked that he had more letters complaining of its pestiferous action in restricting business operations than he had perhaps upon every other subject coming to his table. I dare say that some of the complaints made were from the companies thus proceeded against.

I shall refer to just one more, the case of the Federal Trade Commission against the Winstead Hosiery Co. Charge: Using unfair methods of competition by false and misleading advertisements tending to deceive the public into the belief that underwear manufactured by respondent is composed wholly of wool, whereas, in fact, is contains but a small amount of wool, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing, an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Mr. President, I have no doubt at all that all these companies thus proceeded against have joined in the chorus of denunciation of the Federal Trade Commission, and, unfortunately, some Senators have listened to their complaints, and I have no doubt that may have been induced, at least in the past, however it may be at the present time, to withhold adequate appropriations for the work of this commission on account of complaints thus received. I think, Mr. President, the existence of these

complaints is a testimonial to the good work that is being done by this commission.

I trust the amendment proposed by the committee to cut down this appropriation will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next committee amendment passed over.

The READING CLERK. The next amendment passed over, which was passed over at the request of the senior Senator from Utah [Mr. SMOOT], is on page 38, to insert lines 4 to 17, both inclusive, as follows:

INTERDEPARTMENTAL SOCIAL HYGIENE BOARD.

For expenses of the board, including personal services in the District of Columbia and elsewhere, books of reference and periodicals, printing and binding, traveling, and other necessary expenses, \$40,000.

For assisting the States in protecting the military and naval forces of the United States against venereal diseases, \$300,000: *Provided*, That no part of this amount shall be expended in assisting reformatories, detention homes, hospitals, or other similar institutions in the maintenance of venereally infected persons.

In all, Interdepartmental Social Hygiene Board, \$340,000.

Mr. WARREN. Mr. President, as to this item I am not quite certain what my colleague on the committee, the Senator from Utah [Mr. SMOOT], wishes to present. But I want to say that there is propaganda that extends clear across the country, I suppose, and that there are letters and circulars and lobbyists, doctors and others, on both sides of the question whether this matter of the treatment of venereal diseases shall be put all together under the Public Health Service or whether the Interdepartmental Social Hygiene Board, which we created, shall go on and work with the States in trying to clean up the country.

In war times it was brought before the Committee on Military Affairs and put in such a light, as to the effect upon the Army, and as to the condition the men were in when they were examined to go into the service, and as to the constant dangers that surrounded them in certain parts of the country, that they made it evident to that committee that they should ask for very large appropriations—something like \$2,000,000—and this board was encouraged to take up the work.

That committee provided for the matter for two years, and then it was passed over to the Appropriations Committee. The matter last year came up in much the same way that it comes now, only in larger volume. We appropriated \$80,000 for the management and the working out of the problems, and we appropriated then \$150,000 directly and appropriated also certain sums which might be used in connection with the universities, if they would pay their portion, and with the States if they would pay theirs.

The House committee put into the bill half as much as we have here, or \$40,000, for the management and \$300,000 for assisting the States in protecting the military and naval forces of the United States and others against venereal diseases, and so forth. The amendment provides:

That no part of this amount shall be expended in assisting reformatories, detention homes, hospitals, or other similar institutions in the maintenance of venereally infected persons.

On the other hand, the Public Health Service has \$200,000 to devote to that purpose, except that it is not indicated that it shall be for soldiers or sailors in preference to anyone else.

The two sides of the question are, Shall we put the amount all under one head; and if so, shall we give it to the Public Health Service, or shall this part be knocked out and leave the Public Health Service without an increase? I think the following up of this purifying of humanity, if you please, ought to be carried on in one or the other of those agencies. I am not disposed to be partial to either one.

This went out on a point of order in the House, as I remember, and it is now before the Senate. It is a matter about which doctors disagree very violently, as they do at times, and as lawyers sometimes do, I suppose. For instance, Dr. Young, a very celebrated physician and surgeon of Johns Hopkins, is very anxious, as are a great many doctors and others with him, to have this under the Interdepartmental Social Hygiene Board. On the other hand, doctors of high note are advising us to take the other course. In fact, I have on my desk a telegram received less than two hours ago from one of the most talented physicians and surgeons with whom I am acquainted in the country, one of the physicians employed to aid the wounded President Garfield after the murderous attack of an assassin. So we have the matter before the Senate, and it is for the Senate to settle.

Mr. SMOOT. Mr. President, my attention was called to this matter by a number of doctors of the Public Health Service. What they desire is to have stricken out, on page 38, the whole of the matter under the Interdepartmental Social Hygiene Board, and to insert, on page 32, line 2, the latter part of the item

under the Interdepartmental Hygiene Board. That would save \$40,000 provided for expenses of the board, "including personal services in the District of Columbia and elsewhere, books of reference and periodicals, printing and binding, traveling, and other necessary expenses," and would simply provide, under the Public Health Service—

For assisting the States in protecting the military and naval forces of the United States against venereal diseases, \$300,000: *Provided*, That no part of this amount shall be expended in assisting reformatories, detention homes, hospitals, or other similar institutions in the maintenance of venereally infected persons.

If it is satisfactory to the Senate, I think that would be very satisfactory to those who are deeply interested in this question.

Mr. FLETCHER. The Senator proposes to insert that on page 32 and to strike out all the other provisions?

Mr. SMOOT. Yes; to strike out all on page 38 relating to the Interdepartmental Social Hygiene Board, and to insert, after line 2, page 32 of the bill, the second paragraph in the provision found on page 38.

Mr. President, I move that the bill be so amended.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 38, inserting lines 4 to 17 inclusive, the provision with respect to the Interdepartmental Social Hygiene Board.

The amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment on page 32, after line 2, to insert the language found in lines 10 to 15, inclusive, on page 38, as follows:

For assisting the States in protecting the military and naval forces of the United States against venereal diseases, \$300,000: *Provided*, That no part of this amount shall be expended in assisting reformatories, detention homes, hospitals, or other similar institutions in the maintenance of venereally infected persons.

The amendment was agreed to.

Mr. UNDERWOOD. I desire to inquire whether the committee amendments have been finished?

The VICE PRESIDENT. We are endeavoring to find out now. Are there any more committee amendments?

The READING CLERK. The next amendment passed over is, on page 41—

Mr. TOWNSEND. Mr. President, may I inquire what was done with the Interstate Commerce Commission amendment?

Mr. WARREN. That was agreed to without a cut, as I understand it.

The VICE PRESIDENT. That is what the record shows. Let us get this straight, if there is any way of ascertaining it.

The READING CLERK. On page 38, line 3, Federal Trade Commission, the amendment in line 3 was disagreed to.

Mr. WARREN. That is right.

The READING CLERK. The amendment on page 48, line 22, relating to the Tariff Commission was agreed to, and the amendment on page 38, line 25, relating to the Interstate Commerce Commission, striking out \$1,900,000 and inserting \$1,600,000, was disagreed to.

Mr. WARREN.* I think this is the case: I think the other day when we were at that point in the bill there was an agreement made as to the one, and therefore it did not come up with others in this group. I may be mistaken, but I think we shall have to move a reconsideration if it is the wish of the Senate to put it back.

Mr. THOMAS. I understand that is disagreed to as an amendment. The Secretary announced the amendment on page 48, line 22, had been agreed to. We are talking now about the Tariff Commission.

Mr. WARREN. The Tariff Commission amendment was agreed to with the cut.

The VICE PRESIDENT. The record shows it was agreed to and that the Senator from Colorado [Mr. THOMAS] reserved a separate vote on it in the Senate.

Mr. THOMAS. I remember doing that, but I was afterwards informed that both of them had been passed over.

Mr. ROBINSON. I ask unanimous consent that the vote by which the Senate agreed to the amendment referred to be reconsidered, in view of the statement of the chairman of the committee that all three amendments were to take the same course. With that understanding I make that motion.

The motion to reconsider was agreed to.

Mr. SMOOT. On page 38, line 25, the amendment reducing the Interstate Commerce Commission appropriation from \$1,900,000 to \$1,600,000 should be disagreed to.

The amendment was rejected.

Mr. SMOOT. On page 48, line 22, relating to the Tariff Commission, \$300,000, the committee report to reduce the amount to \$250,000. That amendment should be disagreed to.

The amendment was rejected.

The VICE PRESIDENT. The next amendment of the committee passed over will be stated.

The READING CLERK. The next amendment passed over is to insert, on page 41, lines 8 to 24, both inclusive, the item for a national advisory committee for aeronautics, passed over at the request of the junior Senator from Utah [Mr. KING].

The amendment was agreed to.

The READING CLERK. The next amendment passed over is, on page 47, to strike out lines 5, 6, and 7 and insert lines 8, 9, and 10, passed over at the request of the senior Senator from Ohio [Mr. POMERENE].

Mr. POMERENE. The amendment which I had in mind, perhaps, does not relate to the amendment offered by the committee. If there is no objection, I will now offer an amendment increasing the appropriation in line 5 from \$125,000 to \$133,000.

Mr. WARREN. There is another amendment here that has not been passed upon by the committee, perhaps.

Mr. POMERENE. I asked to have that passed over, thinking at the moment that there was some relation between the amendment which I propose to offer and the committee amendment. I have no objection to the committee amendment.

Mr. WARREN. Then let us agree to the committee amendment.

The amendment was agreed to.

Mr. POMERENE. We might as well take up my amendment now. I move to amend, on page 47, line 5, by striking out "\$125,000" and inserting in lieu thereof "\$133,000." This means an increase of \$8,000 in the appropriation. I will state the reason for the amendment. There are in the employ of the Smithsonian Institution for the Zoological Gardens 1 sergeant of police, 10 policemen, 21 keepers, and 2 gardeners. These men are receiving now compensation at the rate of only \$80 per month, except the sergeant of police, who receives \$85 a month.

My purpose is to increase the appropriation \$8,000, because that will grant an increase to each of these officers of \$20 per month, making the compensation \$100 per month, except the sergeant, and it would make his salary \$105 per month. This would make their compensation, except that of the sergeant, \$1,440 a year. The United States park policemen have been receiving \$1,360 per annum, but have an allowance in the sum of \$89 each year for uniforms.

Mr. WARREN. Will the Senator allow me?

Mr. POMERENE. Certainly.

Mr. WARREN. My attention was diverted, but as I understand it the Senator wants to add \$8,000 to the total amount.

Mr. POMERENE. Yes.

Mr. WARREN. That is his amendment?

Mr. POMERENE. That is the amendment.

Mr. WARREN. I am inclined to accept that and let it go to conference.

Mr. POMERENE. Very well.

The amendment was agreed to.

Mr. POMERENE. I have another amendment. On page 124 I move to strike out the proviso beginning on line 24 and ending at line 5 on page 125. The proviso reads as follows:

Provided further, That no clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or emoluments through any office or position to which he may be appointed by the court, other than that received as such clerk, deputy clerk, or assistant, whether from the United States or from private litigants.

May I remind Senators that there have been no increases in the salary of these clerks or assistants except the bonus? Federal judges occasionally have an opportunity to appoint masters in chancery or referees. This enables the court to give these clerks a service to perform by which they can to some extent increase their compensation. I know at least one of the judges in my own State has written to me about this. I know that the clerks are overworked and underpaid, particularly underpaid. Many of them can not meet their expenses unless they can have some outside remuneration. In any event, the judge, it seems to me, is better able to determine whom he should appoint as referee or master in chancery than the Congress of the United States. I think it is only just, not only to the clerks but to the judges themselves that they should be unhampered in the naming of masters or referees.

Mr. WARREN. The matter has been before the committee in an amendment offered by the Senator from Connecticut. I do not understand that there is any opposition on the part of the Committee on the Judiciary, which has provided the salaries in earlier legislation for certain officers of the court. I am inclined to accept the amendment and to let it go to conference.

Mr. POMERENE. Very well.

Mr. BRANDEGEE. Mr. President, I have just come on the floor. Is the amendment under discussion that proposing to

strike out the proviso with reference to the appointment of clerks of Federal courts as masters and referees?

Mr. POMERENE. It is.

Mr. BRANDEGEE. I was going to offer the same amendment, if the Senator from Ohio had not done so.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POMERENE. I have another amendment. On page 46 or 47 there is appropriated—

Mr. ROBINSON. Will not the Senator let that go over until to-morrow?

Mr. POMERENE. Yes; it can go over until to-morrow, if the Senator from Wyoming desires to have the Senate adjourn. I shall be very glad to submit the amendment to-morrow.

Mr. BRANDEGEE. I have an amendment that I would like to propose. I think it would only take a moment or two.

Mr. SIMMONS. I have a couple of amendments that I want to propose. I do not think they will take very long.

Mr. POMERENE. If the Senator from Wyoming is going on with the bill, I would like to offer this particular amendment, because I have an engagement in the morning.

Mr. WARREN. The chairman of the committee is waiting to hear the amendment.

Mr. POMERENE. On page 114, in the appropriation for the Columbia Institute for the Deaf, the bill provides as follows, beginning on line 8:

For support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, \$90,000.

I happen to be one of the trustees of this institution. The board of trustees some weeks ago had a meeting in which they carefully canvassed the financial situation.

Mr. WARREN. Mr. President, I have had this matter under consideration. We are giving the institution the same appropriation it had last year. The appropriation does not become available until next July, and we know that by that time prices will be lower, and they ought to get along with even less money than for the current year. However, if the Senator will accept it, I will offer him a compromise and accept an amendment increasing the amount \$5,000, and let the matter go to conference.

Mr. POMERENE. Mr. President, I was inclined to offer an amendment to increase the appropriation by \$15,000. Three thousand dollars is absolutely necessary, because of the increased price of coal. There are many employees of the institution who are getting \$40, \$50, and \$60 a month, with their keep, and the president of the institution feels that there ought to be an increase in those salaries especially. There ought to be an increase in the salaries of all of the members of the faculty; but we will forego that. I should be glad, however, if the Senator would consent to make the increase \$10,000, at least, and let the matter go to conference.

Mr. WARREN. I could not do that. I am stretching the point even in offering to make it \$5,000. That will be all that we can possibly protect in conference, and I know the Senator from Ohio would rather have \$5,000 and protect that and have that agreed to in the other House than to put in an appropriation with which we shall have trouble.

Mr. POMERENE. Mr. President, the Senator looks so very solemn that I—

Mr. WARREN. It is a pretty solemn occasion when the Senator from Ohio attacks the Treasury of the United States in that manner.

Mr. POMERENE. Mr. President, if it is understood that the \$5,000 will be kept in the bill, I had, of course, rather have that than nothing; but I am afraid it will be necessary to come back to Congress for an additional appropriation. The inadequacy of the appropriation is simply going to cripple the faculty and the institution. Many of those men are getting less pay than are those in other similar institutions in the country. However, I will accept the proposition of the chairman of the committee.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SIMMONS. Mr. President, I have a little amendment which I wish to offer, and I hope the Senator from Wyoming will agree to it. I send to the Secretary's desk an amendment to be inserted at the end of line 13, on page 14.

The VICE PRESIDENT. The amendment proposed by the Senator from North Carolina will be stated.

The READING CLERK. On page 14, at the end of line 13, it is proposed to insert:

That the Secretary of the Treasury be, and is hereby, authorized and empowered to acquire by purchase, condemnation, or otherwise certain additional land across the alley, which joins the east side or rear of the present site of the customhouse, appraisers' stores, etc., building at Wilmington, N. C., as an addition to said present site, and to pay for

erection thereof will constitute more of a benefit than would result from the taking of this land for park purposes.

The taking of these lots would work a hardship upon the owner, and would be a gross injustice to him, which can not be said to be justified by the supposed improvement of the park for the benefit of the public. These lots, by reason of their location, affording a wonderful view across the park, and accessibility to stores, schools, and churches, can not be duplicated in the District of Columbia at any price. They were not purchased for speculation, but with a bona fide intention of being used for residence purposes. This is established by the fact that a portion of the property has been contracted to be sold, and agreements have been entered into for the erection of these residences, and plans and estimates made with a view of commencing operations in the spring of 1921. The present assessment of the land is 25 cents per square foot, and the figure at which the property was authorized to be taken by agreement is 37½ cents. The owner paid in excess of this price, and one-half of the land is contracted to be sold for \$1.15, indicating that the House committee was apparently not correctly advised of the value of the property. The fact that two houses, to be worth in excess of \$30,000, are to be erected on this property indicates that the land is worth even more than the last figure of \$1.15. Such facts as the desirability of the location of the property for residential purposes, prospective value when such residences are erected, and the natural objection of the owner to the taking of his home sites would hardly be considered by the jury if it were necessary to resort to condemnation proceedings. The owner would be at a decided disadvantage in establishing the real value of this property in condemnation proceedings.

These facts were not brought to the attention of the House committee when it was considering the bill, due to the fact that the owner had no knowledge that such proposed action was ever contemplated. It is apparent that the House committee was not acquainted with the real facts.

It is submitted that this provision be eliminated from the bill for the following reasons:

1. The taking of the land is not in accordance with any practical plan for extending the Zoological Park line, and would merely cause a jog in the present line.
2. There is no necessity for the taking of this land.
3. The erection upon lots 805 to 810 of two dwellings as contemplated will be an improvement to the park and adjacent property.
4. The taking of this property would work an unjustifiable hardship upon the owner of lots 805 to 810.
 - (1) Because the lots can not be duplicated in Washington.
 - (2) Because the proposed agreement price is wholly inadequate.
 - (3) Because the owner could not establish his actual loss in condemnation proceedings.

Mr. BRANDEGEE. Mr. President, I send to the desk an amendment which I desire to propose. I ask to have it come in the bill on page 17, after line 2, at the close of the paragraph of the bill relating to the Coast Guard.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 17, after line 2, it is proposed to insert the following:

For central heating and power plant, quarters for commissioned officers and warrant officers, remodeling and relocating certain buildings, providing facilities for small boats, filling and grading and retaining walls, and purchase of additional necessary land at the Coast Guard Academy, New London, Conn., \$281,345.

Mr. BRANDEGEE. Mr. President, I offer that amendment for this reason: The Coast Guard Academy is in my home city. I have here the estimate of the Secretary of the Treasury for this item. It was a supplemental estimate sent to the Senate, but it was not before the House committee. I ask that the report of the Secretary of the Treasury containing the estimate and the reasons therefor made by the commandant of the post and indorsed by the Secretary of the Treasury may be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 15, 1921.

SIR: I have the honor to transmit herewith for the favorable consideration of Congress a supplemental estimate of appropriation, in the sum of \$281,345 for central heating and power plant, quarters for commissioned officers and warrant officers, remodeling and relocating certain buildings, providing facilities for small boats, filling and grading and retaining walls, and purchase of additional necessary land, at the Coast Guard Academy, New London, Conn.

The necessity for the appropriation and the reasons for the submission of the estimate at this time are fully set forth in the letter of the Commandant of the Coast Guard accompanying the estimate.

Respectfully,

D. F. HOUSTON, Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
OFFICE OF COAST GUARD,
Washington, January 15, 1921.

Subject: Supplemental appropriation.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to state that there is need for additional funds for the Coast Guard, and I transmit herewith an estimate of an additional amount required for the next fiscal year, as follows:

For central heating and power plant, quarters for commissioned officers and warrant officers, remodeling and relocating certain buildings, providing facilities for small boats, filling and grading and retaining walls, and purchase of additional necessary land at the Coast Guard Academy, New London, Conn. \$281,345

In your annual report for the fiscal year ending June 30, 1920, you stated:

"Steps should be taken without delay to improve conditions at the Coast Guard Academy. A board was recently convened to canvass this matter. It was instructed to present a carefully considered plan for

the improvement of buildings and grounds and to suggest the necessary additions to equipment. This academy need not be large, but it should be a model of its kind."

Estimates for the necessary improvements at the Coast Guard Academy have not been previously submitted because the cost involved has just been ascertained.

All prospective commissioned line and engineer officers undergo their cadet training at this academy, and to fit these young men to become efficient officers is its primary function. Furthermore, such preliminary training of enlisted men as is possible in the Coast Guard is conducted at the Coast Guard Academy. The material needs of the academy have been carefully considered by a board appointed by the Commandant of the Coast Guard, and these needs, with the estimated costs thereof, may be summarized as follows:

Central heating and power plant, \$70,000. There are now seven separate heating plants installed and necessary to heat the various buildings. The economic waste incident to this situation is apparent. It is recommended that a central heating and power plant be provided to furnish electric light to and to heat all the different units.

Remodeling buildings for the use of cadets, \$8,850. There are two substantial frame structures at the academy that were built by the Navy in 1918 for use as barrack buildings for enlisted men. With certain necessary alterations they can be made to serve admirably for quarters, mess rooms, classrooms, etc., for the cadets.

Quarters for commissioned officers, \$100,000. There is now one building, containing four sets of quarters, designed to accommodate four officers and their families. Provision should be made for 12 commissioned officers and their families. All officers attached to the academy or to the training system, or connected with any other activities pertaining to the academy, should reside within the limits of the reservation. It is recommended that there be constructed four sets of double quarters to accommodate eight officers and their families.

Quarters for warrant officers, \$4,000. There are now four small frame cottages that will accommodate four warrant officers and their families. These buildings should be relocated and one additional small frame cottage should be built.

Razing buildings, \$2,720. These are certain old buildings that should be removed when the improvements to the academy are effected.

Relocating buildings, \$1,300. This is to provide for moving two wooden outbuildings to new sites on the reservation.

Facilities for mooring small boats, \$2,000. There is in the reservation a small cove admirably adapted to mooring the small boats used for training and drill purposes. It is necessary to construct a landing stage and to provide mooring buoys, etc.

Purchase of additional land, \$75,000. The welfare of the academy urgently demands the acquisition by the Government of a tract of water-front land lying just north of and adjacent to the academy property.

For filling and grading, \$17,475. It will be necessary to fill and grade the land that it is proposed to acquire in order to bring the grade of this land in conformity with that of the present property.

Total estimated cost, \$281,345.

In my opinion, the needs of the Coast Guard Academy and its importance to the Government fully justify an appropriation in the amount above set forth.

Respectfully,

W. E. REYNOLDS,
Commandant.

Mr. BRANDEGEE. Inasmuch as the House Members had no opportunity to consider this matter, because the Secretary of the Treasury did not submit the estimate to them, I will ask that the Senator in charge of the bill may let it go to conference. If the House Members do not think it a meritorious proposition, or if it is inconsistent with the policy they have adopted as to the matters which this bill should contain, of course, I shall not expect the Senate conferees to insist upon it, but I feel it my duty to offer it and to ask the chairman of the committee if he will not let it go to conference for the purpose of testing the opinion of the House Members?

Mr. WARREN. Mr. President, the amendment of the Senator from Connecticut was before the committee, but at that time we had not to my knowledge any communication from the Treasury Department in relation to the subject matter. After we had concluded our consideration of the bill, however, we did receive an estimate from the department, and a very urgent appeal in behalf of the proposed improvement. I doubt if the amendment can stand in conference, but I am disposed to allow it to be added to the bill as the Senator has asked and let it go to conference and we shall then do the best we can with it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. UNDERWOOD. Mr. President, I desire to offer an amendment to the bill on page 69, line 8. This amendment does not increase the appropriation carried in the bill for inland and coastwise waterways, but it does increase the amount that may be paid to the clerical force in Washington.

The bill provides that \$17,680 of the total appropriation may be expended for the clerical force here. I am assured by those in charge of this bureau of the Government that the following clerical force is absolutely necessary for them to carry on their work: One auditor and distributing agent, at \$4,000; one naval architect and designer, at \$7,000; one traffic expert, at \$4,000; one chief clerk, at \$2,800; six stenographers, \$8,000; two clerks, \$2,400; two messengers, \$1,800; making a total of \$30,000.

Mr. President, last year this Inland Waterways Commission had assigned to it a number of reserve officers who performed the services without their salaries being charged to the commission. Since the 1st of January those men have been cut out, because they have been retired from service. I think this

matter is of importance. After making an appropriation of more than a million dollars for carrying on this service, I do not think it should be hampered by not having a sufficient clerical force.

I want to ask the chairman of the committee to let this amendment go to conference, where he can give it consideration. My amendment is to make it a lump sum. I merely gave the details for the information of the Senate.

Mr. WARREN. Mr. President, I will say to the Senator from Alabama that when the witness, Col. Ashburn, was before us his time was devoted largely to asking us to make this appropriation \$5,000,000 larger than it is for the purchase or building of boats, which the committee felt was not necessary in view of the many boats we have had built, so that this subject did not come up; but when I look at the amount of the appropriation, \$1,225,000, and the smaller amount that is permitted to be used for the employment of experts, clerks, and so forth, I am inclined to accept the amendment of the Senator.

Mr. UNDERWOOD. I will say to the chairman of the committee that I got my figures from Col. Ashburn. I move that the figures "\$17,680" be made to read "\$30,000."

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 20, line 10, after the word "personnel," it is proposed to insert the word "chaplains," so that, if amended, it will read:

For necessary personnel, chaplains, regular and reserved commissioned officers—

And so forth.

Mr. WARREN. Mr. President, my attention has been called by another Senator to the same word, which I understand is asked to be inserted at another place in the bill.

Mr. McLEAN. Page 29.

Mr. TRAMMELL. I should like to say that the amendment which I propose inserts the word "chaplains" in two different places; also on page 29, in the proper line.

Mr. WARREN. May I ask the Senator how many chaplains he is advised are to be provided for?

Mr. TRAMMELL. No particular number is contemplated. It is just contemplated that they will have the number required for the service.

Mr. WARREN. Are they now in service?

Mr. TRAMMELL. I will state that this matter was brought to my attention by an ex-service man who has been in one of the hospitals, and he advised me that they had discontinued the chaplain service for the reason that it was not legal for them to be paid out of the funds appropriated to be used under the direction of the Public Health Service.

Mr. WARREN. Are these the chaplains that are in the Reserve Army force; are they regularly commissioned Army chaplains or service chaplains, or is this to take part of the money and go out and engage civilian ministers of the gospel of various denominations?

Mr. TRAMMELL. This is to provide the necessary chaplain service in the way that may be directed according to the discretion of the Public Health Service. I have not gone into the details of the matter. I merely made inquiry of the Surgeon General when the subject was brought to my attention.

Mr. McLEAN. Mr. President—

Mr. TRAMMELL. I should like an opportunity to make about a two-minute statement before I have to yield, if the Senator will permit me.

Mr. WARREN. The Senator from Connecticut has some letters on the same subject, and probably from the same sources.

Mr. TRAMMELL. I shall be glad to yield in just a moment. I think a Senator might have an opportunity to talk for about one minute without being interrupted.

The matter was brought to my attention by an ex-service man at a hospital. I made inquiry of the Surgeon General, and he wrote me as follows:

I beg to acknowledge receipt of your letter of the 29th ultimo, relative to chaplain service provided in the United States Public Health Service hospitals.

In reply, it is desired to advise you that no chaplains are now being appointed, and it has been necessary to terminate the services of those on duty, as the department concluded that paying the compensation of chaplains could not legally be done out of the appropriations of the Public Health Service.

That is the history of the case.

Mr. WARREN. How are they provided for now?

Mr. TRAMMELL. According to this letter, they are not provided for, and I am seeking to have them provided for.

Mr. SMOOT. That is, they are not provided for in the District of Columbia, but they are provided for out in the field; and I know, of course, that a great many of them would like to live in the District of Columbia.

Mr. McLEAN. Mr. President—

Mr. TRAMMELL. I yield to the Senator.

Mr. McLEAN. There are only six of these hospitals to which this amendment will apply, and it applies to chaplains already in the service. The Secretary of the Treasury has retained the services of these chaplains and has paid them, but he has not changed his view with regard to his authority; and he has suggested to me that while there is money enough, no need for any extra appropriation, the amendment suggested by the Senator from Florida is necessary if he is to continue these chaplains in the service any longer.

Mr. TRAMMELL. That is my understanding.

Mr. McLEAN. As the men in these hospitals are seriously ill, some of them seriously wounded, some of them afflicted with fatal diseases, the death rate is very high; and it seems to me that the least the Government should do would be to continue the services of the chaplains that are now in these six hospitals. That is as far as the amendment will reach, if my information is correct.

I have here a letter from the Secretary of the Treasury suggesting this amendment.

Mr. WARREN. May I ask the Senator if the amendment of the Senator from Florida accomplishes what he wants?

Mr. McLEAN. The amendment offered by the Senator from Florida covers precisely the ground that would be covered by the amendment I intended to propose.

Mr. WARREN. My inquiry has been merely to ascertain between the two Senators just what was wanted. Of course, we want these young men to be kept in the straight and narrow way and in the fear of God, and I am not going to oppose the amendment. It can go in, so far as the chairman of the committee is concerned.

Mr. SMOOT. Mr. President, I simply want to make the statement that the letters I have received and the information that has come to me state that this amendment will provide for the chaplains in the District of Columbia, and the reasons why they say they want the chaplains here in the District of Columbia is to keep in touch with the chaplains all over the United States. They have an organization, and there is much information in the War Department or the Treasury Department that should go to them, and this is to be an office created here in the District of Columbia to give information that they think chaplains would like to have in all parts of the United States.

This is the beginning of a new bureau. I do not know how large it will grow; but it will grow, Mr. President, after this amendment is put in, if it is agreed to.

Mr. GLASS. Mr. President, the Senator from Utah must be mistaken about the matter, because this does apply to chaplains outside of the District of Columbia. I have had a letter from Hampton, Va., where the Public Health Service has a chaplain, asking me to suggest this very amendment; because unless it is suggested, as stated by the Senator from Connecticut [Mr. McLEAN] upon the authority of the Secretary of the Treasury, the Secretary of the Treasury will have no sanction of law to pay these chaplains.

Mr. SMOOT. Let me read what the provision is, if this amendment is to be incorporated in the bill. This is the provision:

The allotments made by the Bureau of War Risk Insurance to the Public Health Service for the care of beneficiaries of that bureau by the said service shall also be available for expenditure by the Public Health Service on that account for necessary personnel—

Now they want to put in "chaplains"—

regular and reserve commissioned officers of the Public Health Service and clerical help in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, and maintenance and operation of passenger motor vehicles.

Mr. President, the statement I made is based upon the statement of a chaplain, who told me what the work was that was to be done if the amendment was agreed to, and that they were to be here as a kind of clearing house in the District of Columbia for the other chaplains throughout the United States. That is what the chaplain told me.

Mr. McLEAN. Mr. President, the Secretary of the Treasury says that if this amendment is adopted it will result in retaining the services of the chaplains now on duty at the hospitals in Boston; New York City; New Haven; Fort Stanton, N. Mex.; Fort Bayard, N. Mex.; and Greenville, S. C. Chaplains were formerly on duty at these hospitals, including Markleton, Pa., which is understood to be closed; and that is all that the amendment applies to, in the opinion of the Secretary of the Treasury.

Now, I am sure I do not know; the Senator from Utah may be right about this matter; but I think it no more than the duty of Congress to let this amendment go to the committee of conference, because if the Secretary of the Treasury is right certainly Congress ought not to decline to continue the service of these chaplains in these hospitals outside of the District of Columbia.

Mr. GLASS. As a matter of fact, heretofore chaplains have been paid out of this fund, under the ruling of the Secretary of the Treasury.

Mr. McLEAN. The Senator is right.

Mr. GLASS. But the ruling has been changed, and the present occupant of the position interprets the law differently, and says he can not pay them under the law unless they are specifically included.

Mr. TRAMMELL. Mr. President, so that my position may not be misunderstood, I merely wish to state that my object was to provide chaplain service for the hospitals. I did not apprehend that it was contemplated that it would be the beginning or the entering wedge for any bureau here in Washington for the purpose of having chaplains trained all over the country. In fact, I do not approve of any such proposition. The amendment was offered due to the fact that under a change of ruling on the part of the department, as stated by the Senator from Virginia, they will not allow chaplain service in the hospitals. My sole object is to provide chaplain service for the hospitals.

Mr. McLEAN. The Secretary has said that unless this amendment is adopted he will withdraw the chaplains from further service in hospitals.

The VICE PRESIDENT. Let the amendment provide for chaplains at hospitals, then.

Mr. TRAMMELL. I would like to propose that amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 20, line 10, after the word "personnel" and the comma, insert "chaplains for hospitals," so as to read:

The allotments made by the Bureau of War Risk Insurance to the Public Health Service for the care of beneficiaries of that bureau by the said service shall also be available for expenditure by the Public Health Service on that account for necessary personnel, chaplains for hospitals, regular and reserve commissioned officers of the Public Health Service, and clerical help in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, and maintenance and operation of passenger motor vehicles.

The amendment was agreed to.

The VICE PRESIDENT. The same amendment should be made on page 29, and the Secretary will state the amendment.

The READING CLERK. The Senator from Florida proposes, on page 29, line 7, after the word "including," to insert the words "chaplains for hospitals and," so as to read:

For medical, surgical, and hospital services and supplies for beneficiaries (other than war-risk insurance patients) of the Public Health Service, including chaplains for hospitals and necessary personnel, regular and reserve commissioned officers of the Public Health Service, etc.

The amendment was agreed to.

Mr. SPENCER. Mr. President, I offer the amendment I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 69, in line 12, after the numerals "1920," insert:

And provided further, That section 201 (c), transportation act, 1920, be amended by striking out the words "whose constitution prohibits the ownership of such terminal facilities by other than the State or a political subdivision thereof," and insert in lieu thereof the following: "municipality or transportation company; or to expend such moneys for necessary terminal improvements and facilities upon property leased from States, cities, or transportation companies under terms approved by the Interstate Commerce Commission, or otherwise, in accordance with any order rendered by said commission under subheading (a), paragraph 13, section 6, interstate commerce act."

Mr. SPENCER. Mr. President, this amendment was drawn by the War Department. The purpose it has in view is simply this: The terminal facilities in the inland waterways navigation are largely floating docks. Of course, in order to make them effective, they must be connected with the railroad lines, generally by rails up an incline.

The land over which these connecting inclines are made is generally owned either by the city or by transportation companies. Under the present law they have no power to make their terminal facilities effective, and the Secretary of War believes, and I quite concur with him, that this amendment is necessary to make effective an appropriation for the terminals, provision for which immediately precedes it in this bill, and that is the only purpose.

Mr. JONES of Washington. This is a change in the transportation act, and it occurred to me to ask if the Senator had

conferred with the chairman of the Interstate Commerce Commission with reference to it?

Mr. SPENCER. I have not. It is a change technically, but it is a necessary change, in order to make the appropriation which was made for terminals effective. It has to do with the War Department in its engineering department, in the handling of the inland-waterway transportation.

Mr. JONES of Washington. It does not make any substantial change in the interstate commerce act?

Mr. SPENCER. It does not. It simply allows cooperation between the inland-waterway transportation and municipalities and transportation companies in the handling of the waterway transportation. It does not make any change in the act.

Mr. JONES of Washington. If that is the purpose, I am in hearty accord with it.

Mr. WARREN. Mr. President, this proposition came to us late in the committee's consideration of the bill, with explanations from the Secretary of War which seem to be entirely satisfactory. Of course, it is subject to a point of order as being legislation on an appropriation bill, but the necessities of the case may call for unanimous consent, and I myself shall offer no objection.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I offer the amendment which I send to the desk, referring to line 16, page 135, of the bill.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 135, after line 16, insert the following:

Purchasing site for and constructing and equipping a lighthouse depot for the seventh lighthouse district, \$250,000.
Establishing and improving aids to navigation in Tampa Bay, Fla., \$17,500.

Mr. WARREN. Mr. President, I will have to make a point of order against the amendment. It is not estimated for, and it should come up in another way at another time. We can not consider it now.

The VICE PRESIDENT. The point of order is sustained.

Mr. FLETCHER. I simply call attention to the fact that this matter is provided for in the act approved June 5, 1920, which provided:

For establishing and improving aids to navigation in Tampa Bay, Fla., \$17,500.

For purchasing site for and constructing and equipping a lighthouse depot for the seventh lighthouse district, \$250,000.

That is in the act of June 5, 1920, and no appropriation has ever been made for it.

It is also in the annual report of the Commissioner of Lighthouses, and this item was set forth. I do not understand the contention of the chairman that it has never been estimated for. It is in the report of the Commissioner of Lighthouses, set out on page 71, and the reasons are given why it should be appropriated for. It is also in the report of the Secretary of Commerce for 1920. Both of these items are referred to, and the reasons for them are set out. I will not take up the time to argue the matter, because I know that Senators want to hurry. But in the report of the Commissioner of Lighthouses for the fiscal year ending June 30, 1920, there is recited a condition existing in Key West which makes it necessary for the building of this depot, on account of the method they have there of coaling ships, and so forth, and the inflammable houses they are now using. Of course, if the chairman of the committee insists upon this point of order, and the President holds that the point of order is well taken, I can not press it further.

The VICE PRESIDENT. Does the Senator from Florida say there is a law—

Mr. FLETCHER. The act of June 5, 1920, provided for the establishment of this station.

Mr. WARREN. If the Senator will permit me, I want to say to the President that I spoke inadvisedly when I said it had not been estimated for and that there was no law covering it, because 28 of these lighthouses have been recommended to be built, I find upon investigation, and we have put none of them into this measure. It was the decision of the committee at the time that we could not enter into that line of appropriation in the present bill. I withdraw the statement that it was not estimated for.

The VICE PRESIDENT. When was that law passed?

Mr. FLETCHER. It was approved June 5, 1920.

The VICE PRESIDENT. At a prior session.

Mr. FLETCHER. Yes.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. JONES of Washington. I think the Chair misunderstood the chairman of the committee. The chairman of the committee stated that an estimate has been sent down.

The VICE PRESIDENT. An estimate has been sent down for this item?

Mr. WARREN. On investigation, I find that an estimate did come in for 17 lighthouses at one time and 11 lighthouses at another, which were not put in by the committee, not because they had not been estimated for, as I just said.

Mr. FLETCHER. It is provided for in the law.

Mr. WARREN. I have no objection to its being voted on on its merits. I withdraw the point of order.

The VICE PRESIDENT. Having been estimated for, the Chair is of opinion that it is in order, but not because it is in the law.

Mr. FLETCHER. I understand that. I want a vote on it. I think the measure ought to be adopted, because what is the use of providing for these projects if we never go on and carry them through? We are making appropriations now for another year, and this work ought to be done. There is no use putting it off any longer that I can see, and certainly the necessity of it is shown by the report of the lighthouse commissioner and of the Secretary of Commerce. I ask for a vote.

On a division, the amendment was rejected.

Mr. FLETCHER. Mr. President, I have one more amendment that I would like to offer. It is on page 153, after line 24.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 153, after line 24, insert:

Marine biological station, Key West (Fla.): For the completion of the marine biological station at Key West, Fla., including the construction of buildings, purchase and installation of equipment, and improvement and protection of grounds, \$110,000.

Mr. WARREN. I make a point of order against that amendment on the ground that it was not estimated for and has not been authorized. It was not presented to the committee.

Mr. FLETCHER. The marine biological station is provided for by act of Congress in 1911, amended in 1914. Work was begun on it in 1918, and there it stays.

Mr. WARREN. Public buildings have been authorized by law for the last 10 years, but we can not allow them to come in here without estimates for the amount necessary to build them. The authorization passed, but the appropriations are quite another thing. I make the point of order against the amendment.

Mr. FLETCHER. Let me make just a brief statement. The appropriation of \$25,000 was made to begin the work. The entire site has been donated. Work has been done in the way of digging canals and building sea walls, and the people there have contributed the land and have spent over \$20,000 of money. The Government now fails to make an appropriation to build the station. I notice that the committee can see its way clear to provide for a fish hatchery at Duluth, Minn., and another one at Saratoga, Wyo., but here is one that was started in 1914, and the whole work is stopped and they refuse to appropriate money to carry it on.

Mr. WARREN. If the Senator has any question about the Wyoming matter, we can strike it out. It came into the bill through the regular appropriation channels.

Mr. FLETCHER. I do not question the merits of it, but this is equally meritorious and the work ought to be carried on. The people themselves have contributed the site and have spent over \$20,000 building a sea wall and making improvements.

The VICE PRESIDENT. Is it true that it has not been estimated for?

Mr. FLETCHER. The Fisheries Commissioner estimated for it, and the Secretary of Commerce, I think, was induced, on account of the demands for economy and that sort of thing, not to include it in his estimate for this year. I presume it is correct that it has not been estimated for. Of course, I can not help that, but I know the Secretary of Commerce is in favor of the station being established and wants it established, and it ought to be established.

The VICE PRESIDENT. Did it come from the Secretary of the Treasury as an estimate?

Mr. FLETCHER. It was not estimated for, I think, by the Secretary. It was recommended in the report of the Commissioner of Fisheries to the Secretary of Commerce.

Mr. WARREN. The Senator knows the law well. The estimate has to come from the Secretary of the Treasury.

The VICE PRESIDENT. The Chair will have to sustain the point of order.

Mr. JONES of Washington. Mr. President, on page 141, after the word "each," in line 2, I move to insert the words "3 at \$900 each." I have talked with the chairman and other members of the committee and they feel that the Coast and Geodetic Survey appropriation was cut by the House a little too much, and we really ought to provide these three additional clerks. I ask that the amendment be agreed to.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 141, line 2, after the word "each," insert "3 at \$900 each."

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. FRED L. BLACKMON, late a Representative from the State of Alabama, and transmitted the resolutions of the House thereon.

EMERGENCY TARIFF.

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 15275, the unfinished business of the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

DEATH OF REPRESENTATIVE FRED L. BLACKMON.

Mr. UNDERWOOD. Mr. President, I ask that the resolution just received from the House of Representatives may be laid before the Senate.

The VICE PRESIDENT. The Chair lays the resolution of the House of Representatives before the Senate, which will be read. The reading clerk read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

February 8, 1921.

Resolved, that the House has heard with profound sorrow of the death of Hon. FRED L. BLACKMON, a representative from the State of Alabama.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. UNDERWOOD. Mr. President, the Senate has just heard the announcement of the death of my friend and colleague, Hon. FRED L. BLACKMON, a Representative in Congress from the State of Alabama. He died leaving many friends to mourn his loss and left a record behind him of public duty well performed that will be an honor to his State and a credit to his people.

I offer the following resolutions and move their adoption.

The resolutions (S. Res. 441) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. FRED L. BLACKMON, late a Representative from the State of Alabama.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to take order for the superintending of the funeral of Mr. BLACKMON at Anniston, Ala.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE PRESIDENT appointed as the committee under the second resolution Mr. UNDERWOOD, Mr. HEFLIN, Mr. DIAL, Mr. KING, Mr. FERNALD, and Mr. CURTIS.

Mr. UNDERWOOD. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 9, 1921, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 8, 1921.

The House met at 11 o'clock a. m.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Our blessed Heavenly Father, we thank Thee for all strength and all wisdom that give us enlargement of understanding, purity of temper, nobility of purpose, and large range of hope and love. Oh, every life has its burden, every heart has its prayer. Read ours, and see what is best for us; then enlarge them, and finally bring them to a beautiful fruition. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 517. An act amending an act to provide for drainage of Indian allotments of the Five Civilized Tribes, approved March 27, 1914 (38 Stat., 310, Public, No. 77).

ARMY APPROPRIATION BILL.

The SPEAKER. The unfinished business is the Army appropriation bill, which has been ordered to be engrossed and read a third time. The question is on the third reading of the engrossed bill.

The engrossed bill was read.

The SPEAKER. The question is on the passage of the bill.

Mr. JONES of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit. Is the gentleman from Texas opposed to the bill?

Mr. JONES of Texas. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JONES of Texas moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith, with the following amendment: Page 15, line 22, after the word "Staff," strike out the figures "\$72,678,659" and insert the following: "\$70,000,000: *Provided*, That no part of this appropriation shall be used to pay men hereafter enlisted, except such as may be necessary from time to time to bring the total number of enlisted men up to not more than 150,000."

The SPEAKER. The question is on agreeing to the motion to recommit.

Mr. BLANTON. Mr. Speaker, I offer an amendment to the motion to recommit. I ask that it be amended by adding the following to the motion.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to amend the motion to recommit by adding the following: Page 15, line 4, after the word "Staff," strike out the figures "\$42,000,000" and insert in lieu thereof the figures "\$30,000,000" and add the following: "*Provided*, That no part of this appropriation shall be used to pay any officer hereafter commissioned except such as may be necessary from time to time to bring the total of Army officers up to not more than 1 general, 14 major generals, 31 brigadier generals, 400 colonels, 450 lieutenant colonels, 1,497 majors, 2,994 captains, 2,844 first lieutenants, and 2,694 second lieutenants."

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry with relation to that last amendment. Was not that voted on in the committee?

The SPEAKER. The Chair is unaware that it was.

Mr. LONGWORTH. I make the point of order that that was voted on in the committee.

Mr. GOOD. Mr. Speaker, I move the previous question on the motion to recommit and the amendment.

The SPEAKER. A point of order is pending.

Mr. BLANTON. Mr. Speaker, will the Chair permit a unanimous-consent request, that the two propositions be voted on at once in one vote; that the motion to recommit and the amendment I offered to it be voted on at once in one vote?

Mr. MANN of Illinois. I object.

Mr. MCCLINTIC. Mr. Speaker, did not the gentleman from Ohio [Mr. LONGWORTH] raise a point of order to the last amendment?

The SPEAKER. Yes. That is still pending.

Mr. BLANTON. The Chair held such an amendment to be in order, Mr. Speaker.

Mr. LONGWORTH. I withdraw the point of order, Mr. Speaker.

Mr. BLANTON. I ask unanimous consent, if the Speaker will permit, that both the motion to recommit and the amendment be voted on in one vote as if it were one motion to recommit.

Mr. MOORE of Virginia. I object.

The SPEAKER. Objection is heard.

Mr. CLARK of Missouri. Mr. Speaker, does not the House proceed on this double-headed motion to recommit by first voting on the motion to amend?

The SPEAKER. Yes. The question is on the motion of the gentleman from Iowa [Mr. GOOD] to order the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Texas asks for a division.

The House divided; and there were—yeas 3, noes 19.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. As many as favor the amendment offered by the gentleman from Texas [Mr. BLANTON] will, when their names are called, answer "yea," those opposed will answer "nay."

The question was taken; and there were—yeas 58, nays 271, not voting 99, as follows:

YEAS—58.

Almon	Doughton	McKeown	Sherwood
Aswell	Drewry	Major	Sisson
Blanton	Fields	Mansfield	Stegall
Bowling	Gallivan	Mays	Stephens, Miss.
Box	Garner	Milligan	Tague
Briggs	Hardy, Tex.	Monahan, Wis.	Taylor, Ark.
Buchanan	Hastings	Nelson, Mo.	Thomas
Caraway	Howard	Oldfield	Tillman
Carss	Hudspeth	Oliver	Watkins
Carter	Jacoway	Parrish	Wilson, La.
Clark, Mo.	Johnson, Miss.	Quin	Wingo
Crisp	Jones, Tex.	Romjue	Wright
Davis, Tenn.	Lanham	Rouse	Young, Tex.
Dickinson, Mo.	Lankford	Rubey	
Dominick	McClintic	Rucker	

NAYS—271.

Ackerman	Fess	Leshner	Rogers
Anderson	Fish	Linthicum	Rose
Andrews, Nebr.	Fisher	Little	Rowe
Anthony	Flood	Longworth	Sanders, N. Y.
Ayres	Fordney	Luce	Schall
Bacharach	Foster	Lufkin	Scott
Benckhead	Frear	Luhling	Sears
Barbour	Freeman	McAndrews	Sells
Barkley	Fuller	McArthur	Shreve
Begg	Garrett	McCulloch	Siegel
Bell	Glynn	McDuffie	Sims
Benham	Good	McFadden	Sinclair
Benson	Goodykoontz	McKinley	Sinnott
Black	Graham, Ill.	McLaughlin, Mich.	Slomp
Bland, Ind.	Green, Iowa	McLaughlin, Nebr.	Smith, Ill.
Bland, Va.	Greene, Mass.	McLeod	Smith, Mich.
Boles	Greene, Vt.	McPherson	Snell
Bowers	Griest	MacGregor	Snyder
Brand	Griffin	Madden	Stedman
Brinson	Hadley	Magee	Steele
Britten	Hamilton	Mann, Ill.	Steenerson
Brooks, Ill.	Hardy, Colo.	Mapes	Stephens, Ohio
Browne	Harrel	Martin	Stevenson
Burdick	Hayden	Mason	Stoll
Burroughs	Hernandez	Mead	Strong, Kans.
Butler	Hersey	Merritt	Strong, Pa.
Byrnes, S. C.	Hersman	Michener	Sullivan
Byrns, Tenn.	Hickey	Miller	Summers, Wash.
Caldwell	Hicks	Minahan, N. J.	Sweet
Campbell, Kans.	Hill	Mondell	Swindall
Campbell, Pa.	Hoch	Montague	Swope
Cannon	Holland	Moore, Ohio	Taylor, Colo.
Christopherson	Houghton	Moore, Va.	Taylor, Tenn.
Cleary	Huddleston	Moore, Ind.	Temple
Coady	Hull, Iowa	Mott	Thompson
Cole	Hull, Tenn.	Murphy	Tilson
Collier	Humphreys	Neely	Timberlake
Connally	Husted	Newton, Minn.	Tincher
Cooper	Hutchinson	Nicholls	Tinkham
Copley	Igoe	Ogden	Towner
Crago	Ireland	Olney	Treadway
Crampton	James, Va.	Osborne	Upshaw
Crowther	Jefferis	Padgett	Vaile
Cullen	Johnson, Ky.	Palgo	Vare
Curry, Calif.	Johnson, S. Dak.	Park	Venable
Dallinger	Johnson, Wash.	Parker	Vestal
Darrow	Jones, Pa.	Pell	Vinson
Davis, Minn.	Juul	Peters	Volk
Dempsey	Kahn	Phelan	Volstead
Denison	Kearns	Porter	Walsh
Dewalt	Keller	Pou	Wason
Dickinson, Iowa	Kelly, Pa.	Purnell	Watson
Doremus	Kennedy, R. I.	Radcliffe	Weaver
Dowell	Kiess	Raker	Webster
Drane	King	Ramsey	Welling
Dunbar	Kinkaid	Ramseyer	Welty
Dunn	Klecza	Randall, Wis.	Wheeler
Dupré	Knutson	Ransley	White, Kans.
Dyer	Kraus	Rayburn	White, Me.
Eagle	Kreider	Reavis	Williams
Echols	Lampert	Reber	Wilson, Pa.
Elliott	Langley	Reed, N. Y.	Winslow
Elston	Larsen	Rhodes	Wood, Ind.
Esch	Layton	Ricketts	Woods, Va.
Evans, Mont.	Lazaro	Riddick	Woodward
Evans, Nebr.	Lea, Calif.	Robinson, N. C.	Young, N. Dak.
Evans, Nev.	Lee, Ga.	Robison, Ky.	Zihlman
Fairfield	Leibach	Rodenberg	

NOT VOTING—99.

Andrews, Md.	Bee	Burke	Casey
Ashbrook	Bland, Mo.	Candler	Chindblom
Babka	Brooks, Pa.	Cantrill	Clark, Fla.
Baer	Brumbaugh	Carew	Classon

Costello	Goodwin, Ark.	McKinley	Riordan
Currie, Mich.	Gould	McLane	Rowan
Dale	Graham, Pa.	Maher	Sabath
Davey	Hamill	Mann, S. C.	Sanders, Ind.
Dent	Harrison	Moon	Sanders, La.
Donovan	Haugen	Mooney	Sanford
Dooling	Hawley	Morin	Scully
Egan	Hays	Mudd	Small
Edmonds	Hoey	Nelson, Wis.	Smith, Idaho
Ellsworth	Hulings	Newton, Mo.	Smith, N. Y.
Emerson	James, Mich.	Nolan	Smithwick
Ferris	Johnston, N. Y.	O'Connell	Stiness
Focht	Kelley, Mich.	O'Connor	Summers, Tex.
French	Kendall	Overstreet	Voigt
Gallagher	Kennedy, Iowa	Patterson	Walters
Gandy	Kettner	Perlman	Ward
Ganly	Kincheloe	Rainey, Ala.	Whaley
Gard	Kitchin	Rainey, Henry T.	Wilson, Ill.
Godwin, N. C.	Longman	Rainey, John W.	Wise
Goldfogle	McGlennon	Randall, Calif.	Yates
Goodall	McKenzie	Reed, W. Va.	

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. CHINBLOM with Mr. JOHN W. RAINEY.
 Mr. EDMONDS with Mr. KINCHELOE.
 Mr. SANDERS of Indiana with Mr. MOON.
 Mr. FOCHT with Mr. ASHBROOK.
 Mr. GOODALL with Mr. RIORDAN.
 Mr. HAUGEN with Mr. FERRIS.
 Mr. DALE with Mr. CLARK of Florida.
 Mr. COSTELLO with Mr. BLAND of Missouri.
 Mr. HAWLEY with Mr. BEE.
 Mr. YATES with Mr. O'CONNOR.
 Mr. SANFORD with Mr. KITCHIN.
 Mr. NEWTON of Missouri with Mr. SMALL.
 Mr. MUDD with Mr. DENT.
 Mr. BROOKS of Pennsylvania with Mr. DAVEY.
 Mr. JAMES of Michigan with Mr. GANLY.
 Mr. WALTERS with Mr. CANTRILL.
 Mr. ANDREWS of Maryland with Mr. WISE.
 Mr. NELSON of Wisconsin with Mr. BRUMBAUGH.
 Mr. BAER with Mr. GOLDFOGLE.
 Mr. WILSON of Illinois with Mr. GODWIN of North Carolina.
 Mr. PATTERSON with Mr. SMITHWICK.
 Mr. VOIGT with Mr. EAGAN.
 Mr. GOULD with Mr. HARRISON.
 Mr. KENNEDY of Iowa with Mr. SMITH of New York.
 Mr. REED of West Virginia with Mr. SUMMERS of Texas.
 Mr. NOLAN with Mr. GALLAGHER.
 Mr. BURKE with Mr. MOONEY.
 Mr. STINESS with Mr. GARD.
 Mr. HAYES with Mr. ROWAN.
 Mr. PERLMAN with Mr. SABATH.
 Mr. WARD with Mr. GANDY.
 Mr. GRAHAM of Pennsylvania with Mr. WHALEY.
 Mr. CLASSON with Mr. OVERSTREET.
 Mr. SMITH of Idaho with Mr. CAREW.
 Mr. ELLSWORTH with Mr. GOODWIN of Arkansas.
 Mr. MCKENZIE with Mr. HOEY.
 Mr. HULINGS with Mr. SANDERS of Louisiana.
 Mr. KENDALL with Mr. O'CONNELL.
 Mr. CURRIE of Michigan with Mr. RANDALL of California.
 Mr. MORIN with Mr. MCKINLEY.
 Mr. EMERSON with Mr. McLANE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The yeas have it. The amendment is not agreed to. The question is on the motion to recommit offered by the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent that the motion may be again reported.

The SPEAKER. Without objection, the motion to recommit will be again reported.

The Clerk read as follows:

Mr. JONES of Texas moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment: Page 15, line 22, after the word "staff," strike out the figures "\$72,678,659" and insert the following: "\$70,000,000: Provided, That no part of this appropriation shall be used to pay men hereinafter enlisted except such as may be necessary from time to time to bring the total number of enlisted men up to not more than 150,000."

The SPEAKER. The question is on agreeing to the motion to recommit.

Mr. CLARK of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 220, not voting 97, as follows:

YEAS—111.

Almon	Doughton	Lazaro	Sherwood
Aswell	Drewry	McClintie	Sisson
Ayres	Evans, Mont.	McDuffie	Small
Bankhead	Fields	McKeown	Smithwick
Barkley	Flood	MacGregor	Stegall
Bell	Frear	Major	Stedman
Black	Gallivan	Mann, Ill.	Steele
Blanton	Garner	Mays	Stephens, Miss.
Bowling	Garrett	Mead	Stevens
Box	Hardy, Tex.	Milligan	Stoll
Brand	Hastings	Montague	Summers, Tex.
Briggs	Hayden	Moore, Va.	Taylor, Ark.
Brinson	Howard	Neely	Taylor, Colo.
Brown	Huddleston	Nelson, Mo.	Thomas
Buchanan	Hudspeth	Oldfield	Tillman
Byrnes, S. C.	Hull, Tenn.	Oliver	Upshaw
Byrns, Tenn.	Humphreys	Padgett	Vinson
Caraway	Jacoway	Park	Voigt
Carrs	James, Va.	Parrish	Watkins
Carter	Johnson, Ky.	Quinn	Weaver
Clark, Mo.	Johnson, Miss.	Randall, Wis.	Welty
Collier	Jones, Tex.	Rayburn	Wilson, La.
Connally	Kearns	Robinson, N. C.	Wilson, Pa.
Crisp	Keller	Romjue	Wingo
Davis, Tenn.	Lampert	Rouse	Woods, Va.
Dewalt	Lanham	Rubey	Wright
Dickinson, Mo.	Lankford	Rucker	Young, Tex.
Dominick	Larsen	Sears	

NAYS—220.

Ackerman	Fess	Little	Robison, Ky.
Anderson	Fish	Longworth	Rogers
Andrews, Nebr.	Fisher	Luce	Rose
Anthony	Fordney	Lufkin	Rowe
Bacharach	Poster	Luhling	Schall
Barbour	Freeman	McAndrews	Scott
Bee	French	McArthur	Sells
Begg	Fuller	McCulloch	Shreve
Benham	Glynn	McFadden	Siegel
Benson	Good	McKenzie	Sims
Bland, Ind.	Goodykoontz	McKinley	Sinclair
Bland, Va.	Graham, Ill.	McLaughlin, Mich.	Sinnot
Boies	Green, Iowa.	McLaughlin, Nebr.	Slemp
Bowers	Greene, Mass.	McLeod	Smith, Ill.
Britten	Greene, Vt.	McPherson	Smith, Mich.
Brooks, Ill.	Griffin	Madden	Snell
Burdick	Hadley	Magee	Snider
Burroughs	Hamilton	Mapes	Steenerson
Butler	Hardy, Colo.	Martin	Stephens, Ohio
Caldwell	Harrell	Mason	Stiness
Campbell, Kans.	Hersey	Merritt	Strong, Kans.
Campbell, Pa.	Hersman	Michener	Strong, Pa.
Cannon	Hickey	Miller	Sullivan
Cantrill	Hicks	Minahan, N. J.	Summers, Wash.
Christopherson	Hill	Monahan, Wis.	Sweet
Cleary	Hoch	Mondell	Swindall
Coady	Holland	Moore, Ohio	Swope
Cole	Houghton	Moore, Ind.	Tague
Cooper	Hull, Iowa	Mott	Taylor, Tenn.
Copley	Husted	Murphy	Temple
Crage	Hutchinson	Newton, Minn.	Thompson
Cramton	Igoe	Newton, Mo.	Tilson
Crowther	Ireland	Ogden	Timberlake
Cullen	Jefferis	Olney	Tincher
Curry, Calif.	Johnson, S. Dak.	Osborne	Tinkham
Dallinger	Johnson, Wash.	Paige	Towner
Darrow	Jones, Pa.	Parker	Treadway
Davis, Minn.	Juhl	Pell	Vaile
Dempsey	Kahn	Peters	Vare
Denison	Kelley, Mich.	Phelan	Vestal
Dickinson, Iowa	Kelly, Pa.	Perter	Volk
Dowell	Kennedy, R. I.	Pou	Volstead
Drane	King	Purnell	Walsh
Dunbar	Kinkaid	Radcliffe	Wason
Dunn	Klecza	Rainey, Henry T.	Watson
Dupré	Knutson	Raker	Webster
Eagan	Kraus	Ramsey	Welling
Eagle	Kreider	Ramseyer	Wheeler
Echols	Langley	Reavis	White, Kans.
Elliott	Layton	Reber	White, Me.
Elston	Lee, Calif.	Reed, N. Y.	Williams
Esch	Lee, Ga.	Rhodes	Winslow
Evans, Nebr.	Lehbach	Ricketts	Wood, Ind.
Fairfield	Lesher	Riddick	Young, N. Dak.
	Linthicum		Zihlman

NOT VOTING—97.

Andrews, Md.	Doremus	Hawley	Mooney
Ashbrook	Edmonds	Hays	Morin
Bakka	Ellsworth	Hernandez	Mudd
Baer	Emerson	Hoey	Nelson, Wis.
Bland, Mo.	Evans, Nev.	Hulings	Nichols
Brooks, Pa.	Ferris	James, Mich.	Nolan
Brumbaugh	Focht	Johnston, N. Y.	O'Connell
Burke	Gallagher	Kendall	O'Connor
Candler	Gandy	Kennedy, Iowa	Overstreet
Carew	Ganly	Kettner	Patterson
Casey	Gard	Kies	Perlman
Chinblom	Godwin, N. C.	Kincheloe	Rainey, Ala.
Clark, Fla.	Goldfogle	Kitchin	Rainey, John W.
Classon	Goodall	Longman	Randall, Calif.
Costello	Goodwin, Ark.	McGlennon	Reed, W. Va.
Currie, Mich.	Gould	McKinley	Riordan
Dale	Graham, Pa.	McLane	Rosenberg
Davey	Griest	Maher	Rowan
Dent	Hamill	Mann, S. C.	Sabath
Donovan	Harrison	Mansfield	Sanders, Ind.
Dooling	Haugen	Moon	Sanders, La.

Sanders, N. Y.	Smith, N. Y.	Whaley	Yates
Sanford	Venable	Wilson, Ill.	
Scully	Walters	Wise	
Smith, Idaho	Ward	Woodyard	

So the motion to recommit was rejected.

The following additional pairs were announced:

Until further notice:

Mr. RODENBERG with Mr. MANSFIELD.

Mr. HERNANDEZ with Mr. HAMILL.

Mr. GRIEST with Mr. CASEY.

Mr. KIESS with Mr. KETTNER.

Mr. HAWLEY with Mr. DONOVAN.

Mr. PATTERSON with Mr. CANDLER.

Mr. WALTERS with Mr. MANN of South Carolina.

Mr. REED of West Virginia with Mr. BABKA.

Mr. SANDERS of New York with Mr. JOHNSTON of New York.

Mr. WOODYARD with Mr. RAINEY of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. GOOP, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COMMITTEE ON MILITARY AFFAIRS.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent for leave to that committee to sit during the sessions of the House for the remainder of this session.

The SPEAKER. The gentleman from California, by direction of the Committee on Military Affairs, asks unanimous consent that that committee may sit during the sessions of the House for the remainder of the session. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, because I am glad that the Committee on Military Affairs has at last agreed to investigate Bergdoll, which it can do with nominal expense.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TO AMEND THE TRANSPORTATION ACT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 663.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15836) entitled "A bill to amend the transportation act, 1920"; and, after general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be controlled equally between those for and against the bill, the bill shall be read for amendment under the 5-minute rule; that at the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House, with such amendments as may have been agreed to, and the previous question shall be considered as ordered on the amendments and the bill to its final passage without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. SIMS. Mr. Speaker, I would like to ask the gentleman from Kansas a question. The bill only has one section and two paragraphs so that debate under the 5-minute rule will be limited.

Mr. CAMPBELL of Kansas. That will be for the Chairman of the Committee of the Whole and the committee.

Mr. SIMS. The question I want to ask the gentleman is—

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. This is the regular order.

Mr. SIMS. Would not the gentleman from Kansas consent to 40 minutes debate on a side?

Mr. CAMPBELL of Kansas. I will state to the gentleman that I have just made a motion for the previous question, which would give the gentleman from North Carolina 20 minutes and 20 minutes on this side, and I presume that will be used in discussing the merits of the bill. I would not feel like amending the rule at this time.

Mr. Speaker, the rule provides for not exceeding one hour of general debate, one-half to be controlled by those favoring and one-half by those opposed, and it provides for amendment under the 5-minute rule in order to give the House an opportunity to consider the matter at this time. I have no disposition to discuss the matter further, and I reserve the balance of my time.

Mr. POUL. Mr. Speaker, the justification for this rule is the recorded vote of this House on yesterday, which indicated almost a two-thirds sentiment in favor of the passage of this bill. In

view of that vote the Committee on Rules felt justified in taking prompt action. I know it to be a fact that at least two or three railroads in our section of the United States are in dire need of the money that is coming to them.

I can not find any possible excuse if I wanted to do so for voting against either the bill or the rule. I believe this House wants speedy action, and I believe we can do nothing better to stimulate business than to pass this bill. We owe the money. The railroads need it. Let us pay now.

I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, as I said yesterday, I have no objection to bringing this matter before the House under a rule, providing sufficient general debate was allowed in its consideration on account of its great importance. Therefore I stand committed to this method of procedure. However, a bill that requires immediate payment of about \$400,000,000 out of the Treasury of the United States, which has not a dollar in it which is not already appropriated, and not a dollar in it that was put in there except by borrowing through the issuance of certificates of indebtedness bearing 6 per cent interest if maturing in one year, and on others maturing in less time not less than 5½ per cent, is certainly of sufficient importance to warrant its consideration in this way. Why should we advance the payment of estimates on guaranty that are not yet definitely determined and can not be at the present time?

Therefore I have favored, and I favor now, rather than to make an absolute payment out of the Treasury and force an additional sale of three or four hundred million dollars of certificates of indebtedness, the interest on which must be paid out of the pockets of the people, that the bill be amended so as to provide that interest at the rate of 6 per cent shall be paid to the carriers holding certificates from the date of issuance of same until final payment. Then I would strike out the other part of the bill providing for payment out of the several appropriations named, and add at the end of the bill a proviso that no amount shall be paid of the guaranty unless a certificate be issued for same prior to January 1, 1922. The reason for that is because the bill provides for compromises by way of estimates of deferred credits and debits, so as to bring about a final settlement of the guaranty claim of any carrier, which ought to be done as soon as possible.

The Interstate Commerce Commission is perhaps the ablest commission in the service of the Government, and I would as soon trust its estimates and guesses as anyone's; but we know that the House of Representatives does not make a business of having an automatic appropriation to pay estimates of any department of the Government—not even of the Congress itself—without some opportunity to know what those estimates are based on and whether they come within the provisions of the law. Under my amendment these certificates would bear interest at 6 per cent from the date of issuance until finally paid. Should a railroad that needs money have a certificate authorized by Congress on which it will get 6 per cent interest, it can easily borrow the money at 6 per cent by using its 6 per cent certificate. If the Government can borrow, the railroads can borrow upon a Government guaranty certificate. It enables the commission to go ahead under the latter portion of the bill and adjust undetermined debits and credits and give one certificate finally for all of it. The railroads do not lose anything. The time for determining the amount of the guaranty ought to be limited.

It should be remembered that the House, after long consideration, inserted paragraph (g) and paragraph (h). Paragraph (g) did not provide for any guaranty certificate to be issued until final settlement, but we provided in paragraph (h) that the commission might—not must—issue certificates for advancements during the period from time to time in such amounts as would enable the applying carrier to pay operating expenses and fixed charges during the guaranty period. However, before they were paid the Secretary of the Treasury, even in limited and restricted amounts, was required to take a contract with security that the carrier receiving these advances, in case the advance was in excess of the final amount due, should repay the Government the excess with 6 per cent interest from the time the payment was made. This bill does not apply the provisions of paragraph (h) to the payments authorized under it, but makes them absolute, with no security whatever to pay back one dollar of excess in case the commission by mistake issues a certificate for more than the carrier is entitled to.

I appeal to the chairman of the Committee on Appropriations or to any man who has ever served on that committee that it is a bad policy to allow a commission, the head of a department, or any other agency of government to make mere estimates and have those estimates paid with no provision for a

return of the excess, with no time prescribed as to when these estimates shall cease to be made.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. POU. Mr. Speaker, I yield the gentleman two minutes more.

Mr. SIMS. Mr. Speaker, the amendment I propose to offer at the end of the bill simply provides a limitation until the 1st of January, 1922, for issuing certificates, giving nearly a year in addition to the time that has already run. If the carriers can not make a definite showing as to their claims in that time, they ought not to have their claims paid.

Mr. DEWALT. Mr. Speaker, will the gentleman yield?

Mr. SIMS. Yes.

Mr. DEWALT. Is it not safe to assume that the Interstate Commerce Commission will not issue certificates in excess of the amount that the railroads actually have due them?

Mr. SIMS. It is to be in part on an estimate. The Interstate Commerce Commission did actually issue a certificate under paragraph (h), and I have the letter to show it, which was not paid, and afterwards issued a final certificate which showed that the estimate made in the first instance exceeded the final amount payable. It is utterly impossible for them to know, and it is better to pay interest on these certificates and not have final adjustment until the whole claim is finally determined. The bill provides for the determination by compromise, by agreement, and certainly the taxpayer ought to have some protection against what may be paid to a railroad without security that is utterly insolvent, and it is practically admitted that many are insolvent, for they say they can not borrow a dollar now to pay for supplies and other operating expenses.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, this rule merely makes in order curative legislation that is to clarify what the Congress thought when it passed the transportation act was already in the bill and also what the Interstate Commerce Commission thought was in the bill; but in the rigidity of governmental administration, where a good deal of red tape must be observed, without criticism, the comptroller did not see fit to recognize what we thought was in the bill and what the Interstate Commerce Commission thought was in the bill. That is not a criticism of the comptroller, but here is the situation: What we thought was in the bill is not there, in the judgment of the man whose judgment is final in the matter.

This legislation is simply to clarify it and make it what we thought originally it was. Therefore we bring in a measure to permit the Government to pay the railroads what now is due them without waiting through technical construction until the end of the period of six months when the full amount is due. This being the period of readjustment the business of the country is inevitably slowing down, and we are trying to get away from the war to a peace basis. This readjustment is necessarily interrupting the current of war-time activities and it is bound to cause an immense amount of suffering to the railroads under the burdens of Government operation, and in turn to the people who will be laid off in the shops and from the railroad activities. If the money is not paid them they can not continue the work. Therefore I am not surprised that there is no objection seriously to the bill or the rule as originally brought in, because it was thought that there was not much objection to it. Since there is a desire to have longer debate and wider discussion than suspension would permit I did not hesitate to vote for the rule when it was asked. Therefore it seems to me that we are now doing nothing more than making clear in the law what we felt was in the law when the bill was passed, and what the Interstate Commerce Commission thought was in the law when they undertook to administer it. That is the reason I shall vote for the rule without any violence to my sense of justice, and also for the bill when it comes up for action.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I am very glad to vote for this rule. My objection yesterday to the consideration of the bill was the form and the manner in which it was proposed to consider it. I thought then that if the motion to suspend were voted down we would have an opportunity to consider the bill which we have at this early time. For some days the committee considered this bill, not only through hearings but in executive session, and I can not find any reason why I should oppose this bill or at least the main points in it. I think that the present time is the most serious one that has confronted the

general transportation in this country in more than two decades. I think at this time that we should give to the railroads these partial payments that they may, under the most favorable circumstances that we can present them, try to perform their functions as carriers. I believe, Mr. Speaker, that the American people are willing to pay the cost, the actual cost, of an efficient transportation system. I do not believe that they are willing or should be called upon to pay more than the actual cost of that transportation, and the service that they get.

I therefore want to give the railroads of this country a chance to operate their properties upon a sane basis, as free from entanglements with the Government as is possible to make it. I do not want the cry again raised in this land that was raised with so much persistence only a few years ago, that the Government must take the railroads. I said on this floor more than a year ago I opposed every form of Government ownership or operation of railroads, because I believed then and believe now that to add 3,000,000 employees upon the civil-service roll of this Government, with the power and the influence that they and their connections would have, would destroy ultimately our form of government. I want to give private ownership a fair chance, and then if under liberal laws they can not operate it will be time to consider something else. I do not know what others think at this time, Mr. Speaker, but to me, after much consideration of not only the condition of the country at this time but the time when we return to normal, I believe that the railroad rates at the present time are more than the traffic will bear even in normal times. I do not know what those charged with authority will do about reducing those rates, but I say they must be reduced or else the commerce of this country will be stifled. Therefore I hope by giving the railroads this money that we owe them, that is a fair and legal obligation against the Government, that they may be able by effecting economies and a little more honesty in their operations to have an efficient transportation system in this land at a lower cost than we are getting it to-day.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Will the gentleman from North Carolina use the rest of his time?

Mr. POU. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. CANTRILL] the remainder of my time, which I believe is six minutes.

The SPEAKER. Six minutes.

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, it is a foregone conclusion what will happen to this rule, and I shall not take up the time of the House in discussing the rule or the railroad bill. The question of greatest importance before the country to-day is raising the money to pay the great appropriations that are before this Congress, and if gentlemen on the Republican side of the House will pardon the suggestion—because the responsibility of raising the money is on the majority side—I wish in all seriousness and in all good faith to make a suggestion to the House, and especially to the members of the Ways and Means Committee, as to the raising of some revenue for the Government.

The gentleman from Massachusetts [Mr. TREADWAY] yesterday said that the Committee on Ways and Means was working day and night trying to find some way to raise revenue for the Government. I wish to make a suggestion to you, and to make it in all seriousness. In my opinion the majority side of this House, if it sees fit to do so, can prepare a bill taking over the tobacco business of the country, which will easily provide a revenue of a billion dollars a year for the Government and at the same time render a great service to the producers of tobacco and to the consumers of tobacco in our Nation.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CANTRILL. I do.

Mr. GREEN of Iowa. I do not fully understand the gentleman. Does he mean to take over the business, including the operation of factories?

Mr. CANTRILL. I will say to the gentleman from Iowa that the Senate of the United States has passed a bill taking over the meat industry or the packing business of the country, which bill is now before this House, and for the consideration of which a rule has been asked from the Rules Committee. A bill is being prepared in the Senate, known as the Calder bill, to take over for Government control the coal industry of the Nation. There is no revenue that comes to the Government from the operation of these two bills. The manufacture of tobacco is a Government monopoly in many of the civilized countries of the world, but it is a private monopoly in the United States to-day. There are four or five manufacturing concerns that control the entire tobacco manufacturing industry of this Nation. Next to the income tax, the tobacco tax produces more revenue to the United States than any other single

item. As I am informed, the taxing of tobacco now is producing nearly \$400,000,000 in revenue, and I am here to say that if the Ways and Means Committee will take up this matter and carefully look into it, it will find, if it will pursue the same principle of legislation that is being advocated in other measures now pending before this Congress, the tobacco business can be put under Government operation and raise a billion dollars a year revenue and at the same time protect the interests of the tobacco growers and of the tobacco consumer as well. There is produced annually in round numbers in the United States about 1,250,000,000 pounds of tobacco each year. The tobacco producers of this Nation to-day, in every State in the Union where tobacco is produced, are selling their tobacco at much less than the actual cost of production. The present prices being paid by the four or five large manufacturing concerns of tobacco are bankrupting the tobacco growers in every State where tobacco is grown, and in the face of these extremely low prices paid to the producer these four or five manufacturing concerns, which constitute in reality the Tobacco Trust of this country, are raising the prices of manufactured tobacco to the consumers of the Nation higher than ever before in the history of the trade. To raise the tax above the present level on manufactured tobacco and still leave the manufacturing business in the hands of private manufacturers would work a tremendous hardship on the tobacco producer. But if the Government would take over the entire business of manufacturing tobacco, then a reasonable price would be assured to the producer and a reasonable price would be guaranteed to the consumer, and a plan could be easily worked out which could be made to produce in the neighborhood of a billion dollars revenue to the Government.

The Government to-day is confronted in the tobacco business with an absolute private monopoly and trust, and let me offer the suggestion that if the gentlemen on the majority side of the House wish to take over any private business to operate for a profit to the Government and raise revenue, there is a very fertile field in this particular line. I submit the proposition to the wisdom and judgment of the members of the Committee on Ways and Means. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15836) to amend the transportation act of 1920.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. MANN] will take the chair.

Mr. MANN of Illinois assumed the chair amid applause, the Members rising.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15836) to amend the transportation act, 1920.

Be it enacted, etc. That the transportation act, 1920, is hereby amended by adding, after section 211, a new section to read as follows: "Sec. 212. (a) In making certifications under section 204 or section 209 the commission, if not at the time able finally to determine the whole amount due under such section to a carrier or the American Railway Express Co., may make its certificate for any amount definitely ascertained by it to be due and may thereafter in the same manner make further certificates until the whole amount due has been certified. The authority of and direction to the Secretary of the Treasury under such sections to draw warrants is hereby made applicable to each such certificate. Warrants drawn pursuant to this section, whether in partial payment or in final payment, shall be paid: (1) If for a payment in respect to reimbursement of a carrier for a deficit during the period of Federal control, out of the appropriation made by section 204; (2) If for a payment in respect to the guaranty to a carrier other than the American Railway Express Co., out of the appropriation made by subdivision (g) of section 209; and (3) if for a payment in respect to the guaranty to the American Railway Express Co., out of the appropriation made by the fifth paragraph of subdivision (i) of section 209.

"(b) In ascertaining the several amounts payable under either of such sections the commission is authorized, in the case of deferred debits and credits which can not at the time be definitely determined, to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items, and, when agreed to by the carrier or express company, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be binding in final settlement."

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, I think it is entirely safe to say that if the arteries of the human body are clogged the physical condition of the

human body is deteriorating. In other words, there can be no sustenance to the body unless the blood circulates freely through the veins and arteries. Let me use that as an illustration in regard to this bill. I do not think there is anyone who can safely contradict the assertion that the transportation system of the United States is comparable with the arterial system of the human body. If you check transportation or impede it, the inevitable consequence of such impediment is that you destroy the life blood of commerce. Having that in view, I am quite willing to support the provisions of this bill.

During my service of six years on the Committee on Interstate and Foreign Commerce, and particularly during the last four years of such service, the membership of that committee, including myself, were thoroughly imbued with the idea that there was absolute necessity for the relief of the railroad system of the country. The provisions of the Esch-Cummins bill, in part and in large measure, remedied the evils then existing, but in spite of that legislation there remains now this impediment to what I call the arterial system of commerce.

There is undoubtedly due under the law the sum of over \$300,000,000 to these railroad companies, and there is no reason on earth why this money is not paid, except that of a pure technicality. It resolves itself, then, gentlemen, in my opinion, simply to a question of debit and credit. In the first place, does the Government owe the money? In the second place, is the Government able to pay the money? And, third, if the ability is there, should this technicality stand in the way of payment? I think the answer to those propositions is clear. The Government is able to pay; the Government should pay, because it owes the money, and, therefore, is a technicality in law to stand in the way of a just payment of a debtor to a creditor?

Now, how far does this go? The railroad companies of this country are in large measure the creditors of those who transport goods, and they must receive their moneys through fares and rates. In order that service may be rendered, they must have proper equipment, and they in turn become the debtors of those who furnish the equipment. The great steel producers of the country have been furnishing to the railroad companies of the nation steel rails upon credit, and I am assured by those who know, and who speak with authority, that they are now obliged to go into the banks and raise credit upon their notes, simply because the Government does not pay the railroads that which is justly due them.

I have heard it said in the course of a few remarks in regard to this bill— [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, the gentlemen who have advocated the immediate passage of this bill point out that it is a very simple problem of determining the amount that is due and then paying it. But it may turn out, gentlemen, to be a more difficult problem than is expected. I call the attention of the committee particularly to what in my opinion is serious oversight, and that is the failure to provide against errors creeping into the estimates upon which the partial payments are made. I am not against a fair bill, but I think that in a measure of this importance—carrying with it, as it does, an appropriation, or appropriations to come, of upward of a billion dollars—we ought to exercise the same caution, the same care, and the same judgment that we would exercise in executing a contract in our own private affairs.

For instance, if you are building a house and enter into an agreement with the builder to pay him certain partial payments as the work progresses, what would you think of a lawyer who would draw the contract so as to compel you to make partial payments until the aggregate total was paid to the builder before the accounts between you were finally adjusted and determined? You would not consider he was acting faithfully in your interest. I have an amendment to propose which will safeguard the Government to the modest extent of 10 per cent, and I suggest that in these partial payments paid to the railroads we ought to reserve at least a 10 per cent holdback until the accounts between the Government and the companies are finally adjusted. I shall offer that amendment in due course.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes of his time. Is there any further debate? If not, the Clerk will read.

Mr. WINSLOW. Mr. Chairman, I yield three minutes to the gentleman from Connecticut [Mr. MERRITT].

The CHAIRMAN. The gentleman from Connecticut is recognized for three minutes.

Mr. MERRITT. Mr. Chairman, as was brought out by the gentleman from Pennsylvania [Mr. DEWALT], this is not a question of new legislation, not a question of new appropriation, but simply the question of paying the honest debts of the Government; and the determination of the honest debts of the Government is made by the Interstate Commerce Commission. It is not an arbitration. The determination is made by the commission acting as a court, by officers of the Government, who take all facts into account, and who decide what amount, if any, is due.

I ask your careful attention to the terms of the certificate which the Interstate Commerce Commission gives for these partial payments. It is this:

The commission has ascertained and hereby certifies to the Secretary of the Treasury that the amount of * * * is necessary to make good to said carrier the guarantee provided by section 209 of the transportation act of 1920.

The commission hereby certifies that such amount of * * * can not be reduced by further accounting or otherwise, and there may be, upon further investigation, additional amounts found due to said * * * Railroad Co. to make good to said carrier the guaranty of section 209 of the transportation act of 1920, and which if and when so ascertained by the commission will be certified to the Secretary of the Treasury.

So the Interstate Commerce Commission certifies that there can not be an amount less than they certify. Therefore there is no risk; there is no sense in asking for any bond, any more than there is in asking a bond for payment of any other judgment, and no sense in taking security for any part of the partial payments.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Certainly.

Mr. MONTAGUE. As I understand it, there is no bond required if there were only one final payment.

Mr. MERRITT. None.

Mr. MONTAGUE. And you simply ask that the same rule apply here?

Mr. MERRITT. Certainly.

Now, referring to the remarks of the gentleman from Pennsylvania [Mr. DEWALT], I think it may be of interest to the committee to listen to some of the accounts that are held up. I have just picked out two or three from the testimony.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MERRITT. May I have one minute more?

Mr. WINSLOW. I yield to the gentleman one minute more.

Mr. MERRITT. Mr. Rea, president of the Pennsylvania, testified that there was due to that railroad on traffic balances over \$10,000,000, and from the United States about \$40,000,000. The Rock Island testified that they themselves owe \$6,000,000, and there is due to them \$8,000,000 and due from the Government \$13,000,000. The Baltimore & Ohio are holding back \$6,000,000 or \$7,000,000, which they would like to pay their creditors.

Now, whether or not the railroads are being run economically is shown by this one fact, with which I will close, that the railroads in 1920 under private management, with no more equipment, moved 15,000,000,000 ton-miles more freight than in 1918, which was the previous high record. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. SIMS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. McKEOWN] three minutes.

The CHAIRMAN. The gentleman from Oklahoma is recognized for three minutes.

Mr. McKEOWN. Mr. Chairman and gentlemen, I suppose it would be considered idle to offer the amendment under the present situation in the railroad business, as gathered from the reports which come to us; but I propose to offer an amendment to this bill, that on page 2, in line 22, after the word "settlement," we strike out the period and add the following: "Provided, That no carrier nor the American Railway Express Co. receiving a partial settlement under this act shall declare any dividends before paying all valid judgments pending unsatisfied against such carriers or the American Railway Express Co."

Now, when you are going to pay these gentlemen an advance of money, they ought not to be permitted—whether their condition justifies it or not—to declare dividends with a lot of judgments unsatisfied while the judgment creditors are told they can not be paid until they get their money from the United States. There is nothing wrong in safeguarding the advances in this bill by that language, because you know what it would mean under the circumstances if you turned this money over to them and they declared a dividend to their stockholders while the judgment creditors, men who have final valid judgments, are not paid because they do not get the money and have not had a

final settlement with the United States Government. They can well afford, at the high rates of interest now, to let the judgments remain unsatisfied, and use the money at 6 per cent. They would be glad to use it now under the situation of the financial market. And for that reason, if you are going to turn this money over and make a partial payment to them on the amount finally due, then you ought to provide that the stockholders ought not to have a dividend until the judgments are paid.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. WEBSTER].

The CHAIRMAN. The gentleman from Washington is recognized for five minutes.

Mr. WEBSTER. Mr. Chairman, after giving this bill as full consideration as I am capable of giving it and after listening to all that has been said upon it pro and con, I must confess I have been unable to discover a single substantial objection to it.

The simple issue presented is this: Shall the language of the transportation act of 1920 be so perfected as to avoid the effect of a highly technical construction of its terms, to the end that substantial honesty may be practiced by the Government of the United States?

What member of the Committee on Interstate and Foreign Commerce, when this bill was in the course of drafting, would have objected to the provisions of the Winslow bill if they had been incorporated in that act? What member of that committee or of this Congress will have the temerity to assert that when this bill finally passed the Congress it was his understanding that partial payments of the guaranty were denied?

If it would have been permissible to have contained this language there without objection, why should there be any quibble over inserting this language now? This contemplates no increased appropriation. It adds nothing to the obligation of the Government. It in no way enhances any burden already resting upon the Government. It merely authorizes the Government to practice the everyday, common-sense, honest method of paying its obligations in installments rather than in gross.

It has been suggested here by the gentleman from Tennessee [Mr. SIMS] that the measure of the gentleman from Massachusetts [Mr. WINSLOW] involves some question of interest. For my own part I have not been able to follow that argument. I can understand that if the payment is not to be made until the final ascertainment of the entire amount is had interest will begin to run from that time; but it also follows that the Government at that time will be called upon to issue its certificates of indebtedness to raise the money with which to pay. If, on the other hand, these partial payments are made as provided in this act and certificates are issued to raise money with which to make that payment, can anyone say with certainty that the time in the one instance will be any different from the time in the other? It is a plain proposition, it seems to me, that involves the old idea of much ado about nothing. I submit that the decision of the court having the construction of this statute before it was a highly technical one, turning almost entirely upon a definition of words, which is always a doubtful method of ascertaining the meaning of a statute. It wholly overlooks the great canon of construction that the dominant thought and purpose of the legislation must be kept in mind in construing the terms of an act. I do not believe that any gentleman on this floor, I do not believe that any member of the committee which had the transportation act under consideration will say that if his attention had been called to the fact that partial payments were denied under that bill he would have objected at that time to amending it.

I do not believe that any Member of the committee or of this Congress understood that partial payments were not contemplated by that act. This bill seems to me to present a mere technical proposition, and for that reason I thought if any measure could be passed under suspension of the rules, that this was peculiarly a measure of that sort. I was very glad to vote to suspend the rules and pass it yesterday, and I shall be very glad to give my vote to it to-day, to the end that these railroad companies may have what is due them.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. WEBSTER. I can not yield in the short time that I have remaining. Some of the arguments here, if followed to their logical conclusion, would amount to the repudiation by the Government of its obligation. The Government owes this money, and in common honesty it ought to pay it, and the sooner the better for everybody concerned.

Mr. SIMS. I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, so far as the general provisions of this bill are concerned, providing for partial payments to the railroads of the amounts due them under the guaranty, I can see no objection to providing for such partial payments. As a matter of fact, I think it did not occur to the members of the various committees which were considering the transportation act, and it did not occur to the conferees as far as I recall, either on the part of the House or the Senate, whether partial payments would be possible or not. The subject was never mentioned in the conference as to whether under the language of the transportation act partial payments were possible. That is neither here nor there. Under the guaranty provisions which are carried in sections 204 and 209 of the transportation act there will be something more than \$600,000,000 due the railroads by the Government. Of that amount \$254,000,000 has already been paid in the form of advancements paid during the six months' guaranty period or immediately thereafter, as provided in subsection (h) of section 209 of that act. That leaves now due to the railroads, according to the statement of the Interstate Commerce Commission in its last annual report, something like \$346,000,000. The question which we are called upon to settle here is whether we will immediately authorize and direct the Secretary of the Treasury to pay this amount to the railroads, or hold up the entire balance until all the accounts between the Government and the railroads can be settled. My own opinion is that the Treasury Department was justified in its interpretation of the act, and that the court was correct in its interpretation; because while there is a difference of opinion, yet the section which authorizes payments to the railroads before the expiration of the six months' guaranty period contains nothing about partial payments, and does say that the amount as soon as practicable thereafter shall be determined and the Secretary of the Treasury shall pay it upon certificate of the Interstate Commerce Commission. That undoubtedly contemplated a final payment.

Now, I suppose there is no question but that the railroads as a whole need the money that is due them. There may be some that do not need it. There were some which did not apply for advances during the six-month period. There are a few which did not accept the terms of the transportation act and accept the guaranty provided as the law required. So that so far as the general purposes of this bill are concerned, to make it possible for the Secretary of the Treasury to pay these railroads partial payments pending the settlement of the entire amount due them, I can imagine no objection unless it be upon the part of some man who does not want them to receive it under any circumstances. But I desire to make one or two suggestions which I may embody in amendments a little later, when we get to the bill under the five-minute rule.

There is no question that the Government is ultimately going to have to pay this money. If the Government does not pay it now under partial payments, the railroads may have to borrow perhaps an equal amount and pay interest on it. If the Government pays it, the Government may have to borrow the money, for I assume that there is not \$340,000,000 otherwise unappropriated lying in the Treasury waiting for this bill to become a law to be paid out to the railroads. Somebody will have to borrow the money. Now, the Government owes the money, and the question of equity and justice which appeals to Members, admitting that the Government owes the money, is whether it is right and proper for the Government to retain it and refuse to pay it to the railroads and compel them to borrow the money and pay interest upon it or whether it is better and wiser and more honest and just for the Government itself to borrow the money, assuming that it has to do it, in order to meet this obligation.

Now, in subsection (h) of the original transportation act there was a provision for advancing money to the railroads during the guaranty period that was based on the idea that it would take fully six months for the Interstate Commerce Commission to adjust the rates.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. WINSLOW. Mr. Chairman, I yield to the gentleman from Kentucky three minutes more.

Mr. BARKLEY. That provision was based on the idea which I think prevailed at that time, that it would take at least six months for the Interstate Commerce Commission to readjust the rates for the roads to begin to receive the benefit at the increased rates. In providing for the advancement of that money by the Government the law provided that the Secretary of the Treasury should require the roads to give a bond, so that if it turned out that they advanced more money than was due the

roads they would pay back the excess with interest from the date of the payment.

I think, as a matter of fact, that while the payments are to be partial payments they are nothing more nor less than an advance to the roads until the ultimate amount is found to be due; so I think that the same safeguard ought to be thrown around these payments. I think when the railroad with the certificate of the Interstate Commerce Commission goes to the Secretary of the Treasury and asks for a partial payment on an account that is as yet undetermined the Secretary of the Treasury ought to be authorized to require a bond that if in the final settlement it turns out that the partial payments amount to more than the road was entitled to, or would be entitled to under final payment, the road should pay back to the Government the excess, with interest from the date of payment; and especially ought that safeguard to be thrown around it in view of the provisions of subsection (b), which provides that the Interstate Commerce Commission and the railroads may get together and settle all outstanding accounts for loss, damage of property, personal injuries, and so forth, that go to determining the net operating income of the railroads as a basis for settlement, and, in view of the fact that they can do it to each one and that that settlement shall be final, I think that that provision ought to be incorporated providing for a bond.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. HARDY of Texas. Does not subsection (b) foreclose the Government in any error forever thereafter?

Mr. BARKLEY. That is my understanding.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. McCLINTIC. I object.

Mr. BLAND of Indiana. Mr. Chairman, one-third of the coal produced in the United States is consumed by the railroads. I come from a coal-producing section. The railroads owe the coal operators of my State \$5,000,000. In my district alone I know they owe my constituents \$1,849,000. Many of these men are poor men—coal miners who have gone into the coal business and have everything invested. The pay rolls can not be met unless the railroads pay the operators, and unless they can get coal the railroads can not operate. The Indiana operators to whom the railroads owe so much can not further furnish coal unless paid for. We are up against hard facts and not theories. Some mines have shut down because they could not get money to meet their pay rolls. The coal bills of the railroad companies are their largest bills, because they consume so much coal; and therefore the coal communities are the hardest hit by the delay in the Government paying the railroads. These railroads should be paid the money which the Government owes the railroads and has on hand, so that the business of the country can go on. Transportation will inevitably break down unless this money is paid. Mr. Chairman, I again ask unanimous consent to extend my remarks in the Record.

Mr. McCLINTIC. In order to be consistent I must object.

Mr. WINSLOW. Mr. Chairman, how much time has been consumed?

The CHAIRMAN. The gentleman from Massachusetts has consumed 19 minutes and the gentleman from Tennessee 11 minutes.

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, in order to induce coal operators and other supply men as referred to by the gentleman from Indiana [Mr. BLAND] to bring pressure to bear on Representatives in Congress in behalf of this bill the railroads have withheld payments from them. They have failed to make payments which they might well have made; they have raised the cry of poverty. That is a part of the propaganda upon which this bill is based.

A SELFISH-INTEREST MEASURE.

The Winslow bill is a typical selfish-interest measure. Conceived by selfish interests, pressed by selfish interests and their class and business associate, the public—unrepresented and voiceless—is the inevitable victim. I was amused to read the hearings held on the bill. There was first Alfred P. Thom, general counsel Association of Railway Executives, and following him Thomas DeWitt Cuyler, chairman Association of Railway Executives; Samuel Rea, president Pennsylvania Railroad; M. L. Bell, counsel for Rock Island; Daniel Willard,

president Baltimore & Ohio; William J. Hobbs, vice president Boston & Maine; H. S. Marks, general counsel American Express Co.; Byrd M. Robinson, president American Short Line Railroad Association; Otis B. Kent, attorney Merchant & Miners Transportation Co. These spoke for the railroads. With all the adroitness of the best brains in the market, the case for the railroads was presented. The railroad supply concerns were represented by Frank W. Knoxon, secretary Railway Business Association, and Charles D. Drayton, attorney for supply concerns which had fallen for the poverty cry of the railroads and want to collect their bills and to sell more supplies. Mr. Clark, of the Interstate Commerce Commission, also appeared, and a letter from the Secretary of the Treasury was read. Who represented the great American public? Nobody. Who opposed the plea of the railroads? Nobody. No champion of the masses, of labor, or of the general public was heard. The representatives of selfish interests had it all their own way.

Prior to its passage, speaking in opposition to the transportation act, I ventured to predict that every Congressman who voted for that measure would be defeated if his constituents found him out, and that the only thing that could save him was ignorance on the part of his constituents. Notwithstanding the greatest conspiracy for silence upon the part of the press, public men, and the molders of opinion ever known before, many constituencies found out enough to defeat candidates or to reduce their majorities. But the people as a whole have not yet found out what was done to them by the transportation act. Their channels of information are blocked and the truth is only gradually filtering through. But light is coming and the people will yet avenge themselves upon those who put over the transportation act and upon those who are willing to act as jumping jacks to the railroad interests.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I confess I am not able to follow the line of reasoning of the gentleman from Alabama [Mr. HUDDLESTON]. Of course, it is quite apparent that he has not any particular love for the railroads, and his arguments, both to-day and heretofore, seem to me to indicate that underneath his expressed sentiments there is a perfect willingness to see all of the railroads of the country go into bankruptcy or into the hands of receivers as a preliminary step to the nationalization of the railroads.

Mr. Chairman, this bill if it accomplishes nothing else may serve to illustrate to the Members of the House and to the country the great importance of the transportation system to the industrial life of the Nation. There came before the committee representatives of coal-mining interests who told us that unless relief was given along the lines provided for in this bill large coal interests would be compelled to close their business. The railroads are unable to pay the coal companies from whom they are buying their coal, and as a result the coal mines can not continue to operate; they in turn are indebted to the banks who are crowding them, and by reason of the fact that they can not collect their coal bills from the railroads the banks are being more or less embarrassed. This unfortunate condition ramifies the entire industrial life of the Nation more or less, and it therefore is of great importance, particularly at this time.

If I understand it, the question involved is this: The Government owes this money to the railroads. The gentleman from Alabama [Mr. HUDDLESTON] says that we ought to compel the railroads to come cringing to Congress upon their knees. I can not follow that line of thought. I do not think anyone ought to be compelled to come to Congress cringing upon their knees. I would not have respect for them if they did so, and I can not understand the mental attitude of anyone who expects anybody, especially any great business interest of the country, to come to Congress cringing and begging upon their knees for something which the Government owes them.

This is a debt, an obligation of the Government to the railroads. Why do I say that? The transportation act provided that this guaranteed return should be allowed only to those railroads who filed their written acceptance by March 15 last; and that before they can receive the benefits of the guaranty, they must agree that if they, during the six months' period, should earn more than the standard return, they will pay it into the Treasury of the United States. There is, therefore, a mutual agreement through a written acceptance on the part of the railroads which constitutes a mutual obligation. Every railroad that is entitled to the benefit of this guaranty has made a written agreement that if its net operating income during the six months' guaranty period should exceed the standard return during the corresponding months of the test period, it will pay such excess into the Government Treasury. Since this is an

actual obligation which the Government owes to the railroads, I think we ought to be willing to pay it in partial payments, as is provided for by this bill, since we can thereby materially assist the railroads when they need assistance.

Mr. HASTINGS. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. HASTINGS. How many companies have turned in any amount over and above the standard return?

Mr. DENISON. I am unable to answer that.

Mr. HASTINGS. I did not know whether the gentleman had the information.

Mr. DENISON. I have not the information, but my judgment is that on account of the unusual conditions which developed during the six months' period, none of them will be compelled to turn any money into the Treasury, although I am not advised as to that. But at any rate none of them could tell in advance whether they would have to do so or not, and they did enter into this agreement which constitutes a legal obligation on the part of the Government.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 5, 1921:

H. R. 14122. An act to authorize the sale of a portion of the Copper Harbor Range Lighthouse Reservation, Mich., to Houghton and Keweenaw Counties, Mich.

On February 6, 1921:

H. R. 1789. An act for the relief of Thomas P. Darr;

H. R. 1790. An act for the relief of John K. Ashley, jr.;

H. R. 6221. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization fund claim of the Osage Nation of Indians against the United States; and

H. R. 11066. An act for the relief of the Shipowners & Merchants Tugboat Co.

On February 7, 1921:

H. R. 12333. An act for the relief of Albert T. Huso.

On February 8, 1921:

H. R. 3210. An act for the relief of Joseph A. Prat.

TO AMEND THE TRANSPORTATION ACT.

The committee resumed its session.

Mr. SIMS. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I voted for the Cummins-Esch bill, and I have not the slightest desire to evade any obligation or responsibility which it imposes upon the Government, and if it could be shown to me that the United States Government assumed any obligation to pay this guaranty in partial payments after the six months' guaranty period had expired I would readily vote for the present bill, but in turning to section 209, paragraph (g), I find the obligation is stated as follows:

The commission shall as soon as practicable after the expiration of the guaranty period ascertain and certify to the Secretary of the Treasury the several amounts necessary to make good the foregoing guaranty to each carrier.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. BLACK. In one moment. Now have we any reason to believe that the Interstate Commerce Commission will not discharge their duty as soon as practical after the expiration of the guaranty period and ascertain what is due to these railroads and certify to the Secretary of the Treasury and thereupon it will become his duty to make the payments and no additional legislation will be necessary. I am not apprehensive that there will be any undue delay on the Government's part in making good its obligation. Therefore, I shall vote against this bill.

Mr. MONTAGUE. The language that the gentleman has read that as soon as practicable—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, how much time on the other side is unexpired?

The CHAIRMAN. The gentleman from Massachusetts has 6 minutes remaining, and the gentleman from Tennessee has 10 minutes remaining.

Mr. SIMS. Does the gentleman propose to use that six minutes in one speech?

Mr. WINSLOW. Yes.

Mr. SIMS. Mr. Chairman, I was greatly surprised to hear good lawyers say that there was only a technical objection to paying under paragraph (g) the guaranty amount the ascertainment of which could not commence until after the six months

expired, as the gentleman from Texas [Mr. BLACK] has just shown you. There was never an utterance or intimation of any witness who was before that committee for or against the railroads that in getting this bonus or gift, this largess, which depends upon no service, no compensation, no mutual obligation, no contract relation, that they could then be enabled to get this bonus by installments. In other words, when you undertake to determine the amount of the guaranty that any carrier should receive, should it be done by piecemeal and by dribs? Nobody dreamed that any such demand would be made.

Mr. DENISON. Will the gentleman yield?

Mr. SIMS. Not now. In paragraph (h) the thought of the members of the committee who voted for this bill was that during the six months' guaranty period advances only should be made upon the estimated amount that would go to the railroads limited by the necessities of paying fixed charges and operating expenses.

But never once did they think that payment might be made on the guaranty claim as such in advance of the determination of the full amount of the claim. There was permission, although the guaranty was an absolute gratuity, that advances might be made to the applying carriers during the six months if the commission determined that the amount to be advanced was absolutely necessary to enable the carrier to pay fixed charges and actual operating expenses during that time. Now they come and say that objection to paying by installments is only technical. When this guaranty was put in the transportation act, it was at a time the farmer was receiving from \$1.50 to \$2 a bushel for corn and did not expect to receive any less; when wheat was worth from \$2 to \$2.50 and \$3 a bushel and the farmer did not expect it to go lower for a long time; cotton was worth 40 cents a pound, and hogs were worth \$20 a hundred; everything the farmer made was worth from two to three times what it is now.

Now, when this largess, this gift, this bonus, this unearned contribution was authorized the burden it imposed in effect was not half what it is now proving to be to the taxpayer, and especially to the farmer and stock raiser. Why not live up to the plain meaning and purpose of the act and wait until all questions involved by way of set-offs and counterclaims are fully adjusted between the carriers and the Government, and have only one certificate issued, covering the final and full amount of the bonus claimed by a carrier? Such a course of procedure will cause the carriers to exercise diligence in presenting all items claimed by them to be covered by the guaranty, and in this way hasten the day when the Government will get a final settlement of this whole gift enterprise project. Perhaps by that time the farmer will have paid his share of the taxes to be collected in order to pay this bonus—his products will be worth much more than they are now.

Forty class 1 roads did not apply for the guaranty; over 600 class 1 roads did apply. They never dreamed of ever earning one cent over and above that guaranty. And it was said before our committee when I asked the question of a gentleman who appeared before it, calling his attention to the fact that the great Southern system, which did not run through a densely populated country, did not serve large cities, where great traffic originated—he answered that the Southern was going to sue the Government for \$84,000,000, leaving the inference that failing to apply for the guaranty had something to do with bringing the suit. A gentleman might say, "I will give you a present next Christmas of \$100." What would you think of a man, after he had been promised the present, if he should a month before Christmas say, "My necessities are great and I will have to borrow some money and pay interest on it, and therefore I want you to give me a part of that present now?"

Such monumental gall has never been presented before any legislative body by other than a grasping corporation to force the payment of a gratuity in advance of the maturity of the gratuity. The law is as plain as language can make it. The courts have so decided and the Comptroller of the Treasury has so decided. They come and ask us to save them from paying interest on borrowed money by making the taxpayers pay it for them. Some of the witnesses go far enough to say so. They say, "The Government has power to levy and collect taxes, and we have not. The Government can borrow money cheaper than we can, and that is one of the reasons they should give us our Christmas present before Christmas." How can any conscientious man claim that we honestly owe one dollar? A promise to make a gift is not a vested property right. No obligation was incurred on account of the gift by the carriers. Suppose we had not made it?

Mr. BRITTEN. Will the gentleman yield?

Mr. SIMS. I beg the gentleman's pardon, but I could not yield to his colleague.

Mr. BRITTEN. All right.

Mr. SIMS. Now, I am only asking that we do not pay this bonus in advance, when the Treasury is now over \$2,000,000,000 in debt on account of certificates of indebtedness. Now, shall it issue three or four hundred millions more, which will tend to increase the interest that every borrower in the United States will have to pay? But some people want to avoid taxes, because these certificates of indebtedness are not taxable; some of them no doubt are for this measure, and wish that certificates be issued rather than that the railroads should borrow money to pay interest that the people should have to sell their cotton, corn, and wheat at less than actual cost of production in order to give the railroads money which they themselves acknowledge they have paid out in dividends.

I read here from the statement of Mr. Rea, the president of the Pennsylvania Railroad Co., who appeared before the committee and made this statement. He says:

The carriers, relying upon the receipt of the guaranty, conducted their business as usual and declared their customary dividends as if the money was in hand, and necessarily had to maintain their credit.

And he admits that his railroad, which he claims should have \$99,000,000 under the guaranty, had already received \$59,000,000 during the guaranty period by way of advancements under paragraph (h).

Now, how does it appear to the people of this country that we will advance the date upon which a gratuity was to be received by the railroads so as to give them the money in advance of the date provided in the terms of the gift itself, which became binding on the railroads by reason of voluntary acceptance by them by way of application for the gratuity? To do so we make it necessary for the Government to sell certificates of indebtedness on which the taxpayers must bear the burden of increased amount of taxes to meet the interest on the Government certificates in order that this increased bonus may be paid before it is due by the law upon which its foundation rests.

Mr. Chairman, by way of reply to the argument presented by some gentlemen that paragraph (g) of section 209 of the transportation act authorized partial payments on the guaranty claim in advance of a final determination by the Interstate Commerce Commission of the total amount due a carrier, I make a part of my remarks the decision of the Supreme Court of the District of Columbia in the mandamus suit brought by the Grand Trunk Western Railway Co. against David F. Houston, Secretary of the Treasury of the United States, as follows:

[In the Supreme Court of the District of Columbia. United States ex rel. Grand Trunk Western Railway Co., a corporation, v. David F. Houston, Secretary of the Treasury of the United States. At law. No. 64722.]

DECISION OVERRULING DEMURRER TO ANSWER.

This is a petition for a writ of mandamus directing the Secretary of the Treasury to draw a warrant in favor of petitioner.

The question to be decided is whether the transportation act, 1920, provides that the amount due a carrier under the guaranty of railway operating income contained in section 209 shall be ascertained by the Interstate Commerce Commission and certified to the Secretary of the Treasury for payment partially and from time to time until the total amount is ascertained or whether the total amount must be determined before any payment falls due.

Section 209 reads, in part, as follows:

"(a) * * *
"The term 'guaranty period' means the six months beginning March 1, 1920.

"(c) The United States hereby guarantees—
"(1) With respect to any carrier with which a contract (exclusive of so-called cooperative contracts or waivers) has been made fixing the amount of just compensation under the Federal control act, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half the amount named in such contract as annual compensation."

There follow other provisions for measuring the "amounts" guaranteed, respectively, in cases of roads not having such contracts, there being several bases for computations, as well as provisions of a general nature, specifying items that shall and others that shall not be taken into account.

Subsection (d) of section 209 provides, in part, that if during the guaranty period as a whole the railway operating income of a carrier is in excess of the minimum income guaranteed the carrier shall "forthwith pay the amount of such excess into the Treasury of the United States."

Subsection (f) reads:

"(f) In computing railway operating income, or any deficit therein, for the guaranty period for the purposes of this section. * * *

"(5) The commission shall require the elimination and restatement of the operating expenses and revenue (other than for maintenance of way and structures or maintenance of equipment) for the guaranty period, to the extent necessary to correct and exclude any disproportionate or unreasonable charge to such expenses or revenues for such period, or any charge to such expenses or revenues for such period which under a proper system of accounting is attributable to another period."

Subsection (g) places upon the Interstate Commerce Commission the duty of estimating how much is due a carrier under the guaranty and of certifying the fact to the Secretary of the Treasury. It is as follows:

"(g) The commission shall, as soon as practicable after the expiration of the guaranty period, ascertain and certify to the Secretary of the Treasury the several amounts necessary to make good the foregoing guaranty to each carrier. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of each

such carrier upon the Treasury of the United States for the amount shown in such certificate as necessary to make good such guaranty. An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The commission delivered to the petitioner herein a certificate, as follows:

CERTIFICATE OF INTERSTATE COMMERCE COMMISSION UNDER SECTION 209 (G), TRANSPORTATION ACT, 1920.

"To the SECRETARY OF THE TREASURY OF THE UNITED STATES:

"1. The Interstate Commerce Commission, hereinafter called the commission, hereby certifies that the Grand Trunk Western Railway Co., a corporation of the States of Michigan and Indiana, hereinafter called the carrier, is a carrier as defined in paragraph (a) of section 209 of the transportation act, 1920, in that it is a carrier by railroad whose railroad or system of transportation was under Federal control at the time such Federal control terminated at 12.01 a. m. on March 1, 1920; that the carrier filed with the commission on or before March 15, 1920, a written statement that it accepted all of the provisions of said section 209.

"2. The commission has ascertained and hereby certifies to the Secretary of the Treasury that the amount of five hundred thousand dollars (\$500,000) is necessary to make good to said carrier the guaranty provided by section 209 of the transportation act, 1920.

"3. The commission hereby certifies that such amount of five hundred thousand dollars (\$500,000) can not be reduced by further accounting or otherwise, and there may be, upon further investigation, additional amounts found due to said Grand Trunk Western Railway Co. to make good to said carrier the guaranty of section 209 of the transportation act, 1920, and which if, and when, ascertained by the commission will be certified to the Secretary of the Treasury.

"Dated this 24th day of November, 1920."

The Secretary of the Treasury refuses to issue a warrant for the amount mentioned in the above certificate claiming that his duty to issue warrants does not arise until the total amount guaranteed has been ascertained and certified.

The petitioner argues that the intention conveyed by the use in subsection (g) of the words "several amounts" and of the word "warrants" is that payment of more than one amount is to be made to each carrier; also that the use of the word "amount" and the word "certificate" instead of "amounts" and "certificates" in the phrase "for the amount shown in such certificate as necessary to make good such guaranty" does not indicate that only one payment was intended because part of the total amount due is just as necessary to make good the guaranty as is the whole amount.

The first inquiry is, of course, what is guaranteed? There is no guaranty of "several (meaning 'more than two'—see Webster's Dictionary) amounts" to one carrier, but of "the amount" or "an amount" ascertained as directed. There being many carriers there are many amounts to be certified. If Congress intended that there should be more than one amount paid to each carrier, why did it use the word "several"? That intention would have been expressed more simply and directly by the use of the word "amounts" alone. Consequently the word "several" should be given a meaning, if possible, which adds something to the sense of the subsection and it has been construed to mean "respective" (Brown v. Hawkins, 26 R. I., 400). Webster's Dictionary and the Century Dictionary define "several" as meaning "separate," "distinct," "particular." Neither Webster nor the Century defines "several" as meaning "respective," but the latter defines "respective" as meaning "several," "particular." Giving the meaning "respective" to the word "several" results in harmony between the first sentence of subsection (g) and the phrase in the next sentence "for the amount as shown in such certificate as necessary to make good such guaranty"; "several" distributes the "amounts" one to each carrier and so is not superfluous.

In a memorandum filed on behalf of the petitioner it is argued as follows:

"Also, the Secretary is directed to draw 'warrants' [in the plural] in favor of 'each' carrier [in the singular]. There is, of course, to be but one warrant for each certificate, so the words 'for the amount' [in the singular] shown in such certificate [in the singular] as necessary to make good such guaranty' are entirely consistent with the relator's theory."

It seems that the petitioner, having argued that the use of the plural—"warrants"—demonstrates that the word "several" in the previous sentence means more than two, is, on the other hand, contending that in the sentence where it appears "warrants" means "warrant"; that is to say, a warrant for each certificate. In other words the petitioner seeks to interpolate the word "each" before the word "certificate," and says that the meaning then is a warrant for each of more than one certificate. But the act provides that the Secretary shall "draw warrants in favor of each such carrier." So, without any interpolation of a word and giving to the word "each" the meaning which the petitioner admits it may have, the act provides for one warrant in favor of each carrier.

But if Congress intended that more than one warrant should issue to each carrier, it does not follow that the petitioner's contention is sound, for section 209 (f) contains a similar provision where only one amount is to be certified—in the case of the American Railway Express—the provision reading:

"(f) The commission shall, as soon as practicable after the expiration of the guaranty period, certify to the Secretary of the Treasury the amount necessary to make good the foregoing guaranty to the American Railway Express Co. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of such company upon the Treasury of the United States for the amount shown in such certificate as necessary to make good such guaranty. An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Clearly only one amount is provided for and only one certificate but more than one warrant. Congress may have had in mind some convenience of the carriers designated in subsection (g) and of the express company in providing for the issuance of more than one warrant for a single amount carried, or maybe some convenience or practice of the Treasury Department; but be that as it may, the language is plain, and the court is not concerned to ask why it was used. Similar language relating to a similar subject matter used in different parts of a statute should be similarly interpreted, if possible. Therefore the contention of the petitioners as to the meaning of "several amounts" is not supported by the provision for "warrants."

Petitioner to be consistent in its literal interpretation must claim that Congress determined that in order to make good the guaranty it would be necessary for the commission to certify several amounts as

being due each carrier, for only what is necessary is to be carried; or, to put it another way, that the payment of more than one amount is necessary to make good the guaranty of a single amount. Such a construction would be unreasonable.

Without undertaking to follow step by step the legislative history of the Senate bill and of the House bill, which went into conference and resulted in the act under consideration, it may be noted that the Senate bill contained the following:

"The commission shall as soon as practicable after the expiration of the period of such guaranty certify to the board hereinafter created, or to the Secretary of the Treasury if it be not then organized, the amount of the actual railway-operating income, as defined in section 1 of the act of March 21, 1918, of the several carriers during such period and the amount of such guaranty, showing in the certificate the amount of the excess or deficit, as the case may be, of such income as compared with such guaranty; and the said board if it be then organized, or otherwise the Secretary of the Treasury, is hereby authorized and directed thereupon to draw warrants in favor of the several carriers upon the Treasury of the United States which shall be paid out of any funds therein not otherwise appropriated for the amount of any deficit shown in respect to it in such certificate: *Provided, however*, That if, during the period the guaranty is in force, the railway-operating income of any carrier exceeds the amount of the guaranty, it shall forthwith pay such excess into the Treasury of the United States: *Provided further*, That in computing the actual railway-operating income for the purpose of this section the commission shall not allow as operating expenses, for maintenance of way and structures, or for maintenance of equipment, respectively, for any month of the period covered by such guaranty, more than the monthly proportion of the amount fixed by the commission as the amount applicable for such maintenance of way and structures or such maintenance of equipment under the proviso in section 5 of paragraph (a) of the standard contract, but the cost of fire insurance may be included in such expenses."

"(b) The United States hereby guarantees to each carrier that its railway operating income for the guaranty period as a whole shall not be less than the average of its railway operating income for the three corresponding periods of six months each during the test period. If during such corresponding periods in the test period, averaged together, the carrier had no railway operating income, the guaranty shall be the amount by which any deficit in railway operating income for the guaranty period as a whole exceeds the deficit for the three corresponding periods during the test period, averaged together."

"(c) The commission shall, as soon as practicable after the expiration of the guaranty period, certify to the Secretary of the Treasury the amount of the railway operating income of the several carriers during such period and the several amounts necessary to make good the guaranty to each. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States, which shall be paid out of any moneys in the Treasury not otherwise appropriated, for the amount shown in such certificate as necessary to make good the guaranty."

Neither bill indicates an intention to provide for partial payments, and the act as passed so far as concerns the question here to be decided shows merely changes in phraseology and rearrangement without changes of purpose except in one particular, and that is that while both bills provided that the commission should certify to the Secretary of the Treasury the amount of operating income of each carrier the Senate bill provided further that any excess of such income over the guaranteed amount should be paid to the United States. The act provides for the payment of any excess, and while there is no express direction for certification it is the duty of the commission to ascertain whether there is an excess. (Subsection (f).) In other words, Congress intended a complete accounting and it is obvious that a carrier whose earnings were in excess of the guaranty is not bound to pay until the amount of such excess is definitely ascertained. There is no reason for finding that the obligation of the United States is to be treated differently.

That Congress was completely alive to the immediate and future needs of the carriers upon their passing from the period of Federal control is evident. First, there is in section 209 the guaranty of operating income during the first six months after the control ended; then a provision for advances by the United States from time to time during the guaranty period of sums not in excess of the amount estimated to be necessary to make good the guaranty; and finally the provision of section 210 (a) for loans "for the purpose of enabling carriers by railroad subject to the interstate commerce act properly to serve the public during the period immediately following the termination of Federal control." * * * application for such loans to be made within two years from such termination." If Congress had intended that the amount of deficit in operating income should be ascertained piecemeal and paid from time to time, it certainly would have made its intention perfectly clear, just as it did in regard to advances "from time to time" during the guaranty period.

It was stated upon argument as a further reason to support the petitioner's contention that items entering into the calculation of operating income, such as claims for damages for personal injuries, may not be determinable for several years after the expiration of the guaranty period. But it must be assumed that this fact was known to Congress, and its direction to the commission is to ascertain the amount guaranteed "as soon as practicable."

The provision of section 500 declaring it to be the policy of Congress "to foster and preserve in full vigor both rail and water transportation" is cited, but in view of the other provisions of that section imposing certain duties on the Secretary of War, this declaration is not to be taken as a rule of interpretation of what are claimed to be verbally ambiguous provisions of the act relating to matter specifically provided for.

In view of the interpretation of the statute indicated above, it is not necessary to decide whether the direction therein to the Secretary of the Treasury to draw warrants imposes a purely ministerial duty, performance of which may be ordered by a writ of mandamus.

The demurrer to the answer is overruled.

WALTER I. MCCOY, Chief Justice.

DECEMBER 31, 1920.

Mr. WINSLOW. Mr. Chairman, I yield six minutes to the gentleman from Wisconsin [Mr. Esch].

Mr. ESCH. Mr. Chairman, paragraph (g) of section 209 contains the paragraph which authorizes the making of partial payments to the roads. I want to read it in order to show the justification for the making of such payments:

The commission shall, as soon as practicable after the expiration of the guaranty period, ascertain and certify to the Secretary of the Treasury the several amounts—

Using the plural—

necessary to make good the foregoing guaranty to each carrier.

These several amounts are necessary to make good the foregoing guaranty to each carrier. The natural implication would be that there would be more than one warrant for each carrier. It goes on and says further:

The Secretary of the Treasury is authorized and directed thereupon to draw warrants—

In the plural—

in favor of each such carrier upon the Treasurer of the United States.

The strong inference is that the language of the transportation act justified the Interstate Commerce Commission in certifying the partial payments. And the commission was surprised when the Comptroller of the Treasury handed down a decision to the effect that one final settlement must be made, with only one certificate. Surely we who had helped to frame this act, when we framed this subsection understood and believed that the right of making certificates for partial payments was unquestioned, and the commission, making a like interpretation, followed that practice and issued more than one certificate. But be that as it may, we are trying now to clarify that section so that partial payments may be certified for the purpose of enabling the carriers to meet their honest obligations, in order that those who had sold materials and supplies to the carriers might get the money with which to pay the labor that they had employed, in order that unemployment might be diminished.

The gentleman from Tennessee has introduced a bill, H. R. 16041, which perhaps he may offer as a substitute to the pending bill. It differs from the pending bill in that it contains at the end of the first paragraph a clause to the effect that "the said certificate shall bear interest at the rate of 6 per cent per annum from date of issuance until paid." In other words, the Government, unless the commission had certified the amount of a partial payment, shall not pay the carrier in cash the amount of the partial payment, but shall issue to it a certificate of indebtedness bearing 6 per cent interest.

In other words, I, a debtor, go to you, a creditor, and you tell me, "I can pay you, not in cash, but in the form of a certificate, with 6 per cent interest." How will that profit your Government if it shall pay these partial payments through certificates carrying 6 per cent interest, when the Treasury Department can now sell certificates of indebtedness for 5½ per cent? It seems to me to be a most unbusinesslike proceeding. The gentleman from Tennessee put that proposition up to Chairman Clark, of the Interstate Commerce Commission. Mr. Sims asked, "If we could pay the railroads interest on the balance found due them from the 1st of September, or the time the guaranty ceased, to the time of payment, whether it be long or short." Mr. Clark said:

As a business principle, I should say "No." A manufacturer has a certain amount of capital. He employs it in his business. He sells his product and he expects the purchasers to pay for it. When his purchasers say, "No; we won't pay; we have had your goods, but we won't pay you now, but we will pay you interest on it," in a short time he has all his capital out at interest and he has nothing with which to pay his employees and keep his factory going. That seems to me to apply to a business, however large it may be, whether it reaches the proportions of the aggregate of the railroads or even the Government itself.

It is not a good principle, and, moreover, these carriers when they have certificates of partial payments are entitled to cash from their Government. The Interstate Commerce Commission is made the governmental agent to make the audit. We have reliance upon the ability and the integrity of the commission to make the audit, and when that commission certifies that the Government owes a given carrier so much money that carrier ought to be allowed to demand it in money and not in certificates of indebtedness. It is a debt of honor under the law, and should be so treated.

There is some misunderstanding here with reference to the second paragraph of the bill in that it is said it will involve large expenditures. Let me state, gentlemen, that paragraph (b) of the bill relates only to deferred payments of debits and credits arising out of personal injury claims, loss or damage claims, and reparations. All of those put together will not amount to more than from 3 to 5 per cent of the aggregate amounts which the carriers can claim under the guaranty section, so that we do not have to feel any large concern with reference to those. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time of general debate has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the transportation act, 1920, is hereby amended by adding after section 211 a new section to read as follows:

"SEC. 212. (a) In making certifications under section 204 or section 209, the commission, if not at the time able finally to determine the whole amount due under such section to a carrier or the American Railway Express Co., may make its certificate for any amount definitely ascertained by it to be due, and may thereafter in the same manner make further certificates, until the whole amount due has been certified. The authority of and direction to the Secretary of the Treasury under such sections to draw warrants is hereby made applicable to each such certificate. Warrants drawn pursuant to this section, whether in partial payment or in final payment, shall be paid: (1) If for a payment in respect to reimbursement of a carrier for a deficit during the period of Federal control, out of the appropriation made by section 204; (2) if for a payment in respect to the guaranty to a carrier other than the American Railway Express Co., out of the appropriation made by subdivision (g) of section 209; and (3) if for a payment in respect to the guaranty to the American Railway Express Co., out of the appropriation made by the fifth paragraph of subdivision (i) of section 204."

Mr. SIMS. Mr. Chairman, I wish to offer an amendment to what has been read.

The CHAIRMAN. The gentleman will suspend until the entire section is read.

Mr. SIMS. I can offer it anyway after the section is read.

The CHAIRMAN. The Clerk will proceed with the reading of the section.

The Clerk concluded the reading, as follows:

(b) In ascertaining the several amounts payable under either of such sections, the commission is authorized, in the case of deferred debits and credits which can not at the time be definitely determined, to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items, and, when agreed to by the carrier or express company, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be binding in final settlement.

Mr. SIMS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Sims: Page 1, line 12, after the word "certified," strike out lines 12 and 13, and on page 2, strike out lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and insert: "Said certificates shall bear interest at the rate of 6 per cent per annum from the date of issuance until paid."

Mr. SIMS. Mr. Chairman, I have explained this heretofore, but if this amendment is adopted there will not be any need of partial payments on the particular certificates, and then that portion of the bill which follows authorizes the Interstate Commerce Commission, in ascertaining the several amounts payable under either of said sections in the case of deferred debits and credits which can not at the time be definitely determined, "to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such item, and when agreed to by the carrier or express company, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be binding in final settlement."

Now, if this amendment is adopted, there will be no payments at all out of the Treasury of the certificates until after the Interstate Commerce Commission and the railroads have settled by this method all these deferred debits and credits; and the commission, I understand, is satisfied that they can make reasonable and economical adjustments of these matters if they are permitted to do so.

Then if the commission does that, the certificates for the amount under these sections can be issued, others having been issued and bearing interest at 6 per cent per annum, and thereby the railroads are losing nothing, and then as soon as these matters are estimated certificates can be given for the payment of these debits and credits and that carrier's claim can be fully ascertained and entirely settled and all covered in one final payment, including accrued interest, if any.

Now, if we pay these certificates as issued by the Interstate Commerce Commission, there is no inducement to compromise on the part of the railroads, because they get all that the commission can see they are sure to get anyway, and then, as there is no limitation on the time when final certification must be made, the claim can hang on indefinitely.

Now, as a matter of good management and good administration, the one certificate ought to cover the whole transaction, and when we give them 6 per cent interest the Government will not lose anything. The only objection I have heard made to that is that the Government is paying them more interest than it has to pay now; but that is a mistake, because they are not going to have this thing done in 12 months. The Government

has to pay 6 per cent on 12 months' time money, and therefore the Government will not be losing anything. The railroads will have the certificates and they can be used as collateral and they can borrow the money on them at the same rate of interest that the certificates bear. Remember, too, that they will not be subject to taxation. They can get the cash needed from the banks on the 6 per cent interest-bearing certificates. The banks have taken over two billions of certificates of indebtedness from the Government and hold them now, or so many as they have not sold to the public. If these certificates are issued in behalf of the carriers bearing 6 per cent interest, there is no doubt as to the ability of the carriers to use them as collateral security for loans from the banks.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. SIMS. Not for a statement.

Mr. TAYLOR of Tennessee. All right.

Mr. SIMS. Now, this is no injustice to the taxpayers. It is good administration. It will lead to a final adjustment of these matters, which ought to be done, and when on the other side the carriers are getting money without having earned it, without having made any additional investment, without added effort, without additional expense, the people who have got to pay it ought to have some leverage on the carriers to bring about a complete and early settlement of all claims of the carriers. It is good administration. It is good legislation, and it does not hurt the carriers a particle, because they will be getting interest on that which we never agreed to pay interest.

There is not an item in that law that would indicate that we were to pay interest; but for fear we are going to have to take money out of the pockets of the people who would have to raise it by selling corn and cotton and wheat at less than it cost to produce same, unless the railroads get that much graft out of this that never was contemplated and never intended to be included in the act, it is better to pay interest than to face payment at this time. Paying partial payments in this case means nothing except to pay the bonus before it is payable by the act. Besides, it is not a debt, it is a gift. Now, if we are going to give them something in advance, let us give them interest rather than the whole claim. It will not take so much money out of the Treasury to pay the interest only, because perhaps we may have something against them on final settlement which we can set-off against it. I think, Mr. Chairman, this is a just and proper amendment that does not impair the railroads in any vested right, moral right, or any other kind of a right which they have under the six months' guaranty provisions of the act.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MONTAGUE. Mr. Chairman, as suggested in an interrogatory propounded by me on yesterday, the act of Congress in relation to the guaranty now under consideration is not affected at all by the pending bill, so far as the obligation of that guaranty is concerned. The bill does not enlarge it; it does not expand it; it does not contract it; its nature and character remains undisturbed by this bill. The sole question is whether, under an existing obligation which the Government has entered into, we shall meet that obligation by installments or partial payments. That is the only question.

Mr. BLANTON. Will the gentleman yield right there?

Mr. MONTAGUE. Let me proceed for a moment or two. I imagine there is no question in the mind of any Member that partial payments are permissible within the period of the six months provided by the statute. There can be no doubt that during the six months prescribed by statute it was permissible to pay in partial payments. Then why should there have been a question about paying after six months, unless there be something in the statute to negative that construction by express language?

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MONTAGUE. Not now.

Mr. HUDDLESTON. I want to call the attention of the gentleman—

Mr. MONTAGUE. The gentleman will pardon me. I should like to yield, but I have only five minutes. I contend that if partial payments are authorized during the six months, partial payments for the same identical obligations or accounts, accounts of the same nature and character, are authorized afterwards unless there be something in the language of the act that plainly negatives or prohibits such a construction. I endeavored to elicit from the gentleman from Texas [Mr. BLACK] by a question which I was not able to complete because of the expiration of his time, the argument that was suggested by the chairman of the committee [Mr. ESCH], namely, that in paragraph (g) of section 209, in express language, partial payments are contemplated. Now, I ask the committee if there is any judicial body which has so understood or construed this paragraph and

the bill? I do not mean a judicial body in a technical sense, but a body which has thus far acted in a judicial manner. What does the Interstate Commerce Commission say? Mr. Clark, the chairman of that commission, may be quoted. I do not know Mr. Clark personally; I have met him most casually. I have heard him before the committee of which I am a member, and I pause to say that I doubt if the Interstate Commerce Commission has had an abler member upon it than this gentleman. His knowledge of the complex questions which that commission has to deal with is extraordinary. Never having been a lawyer, he nevertheless states the propositions and questions involved, questions of a most intricate legal character, with a lucidity and succinctness deserving the approval of those who have the highest appreciation of the bench. Now, what does Mr. Clark say? I read from the hearings:

We never conceived that there was any question of our power to certify an amount certainly due to a carrier under paragraph (g) of section 209, even though it was not a final and complete certificate, until the Secretary of the Treasury declined to recognize certificates of that nature which we did issue.

He declared that the commission never conceived that there could be any controversy about the meaning of the language. Every member of the commission accepted the meaning of the act as authorizing the issuance of installment or partial certificates. Now, if I am correct in that, then this bill simply carries into the law what was thought by most competent authority to have been already contained in it. Therefore the only question really before the committee is this: Does this bill safeguard the Treasury of the United States? What does Chairman CLARK say about that?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Now, will the gentleman yield, since we have granted him five additional minutes?

Mr. MONTAGUE. If the gentleman will not take up all my time.

Mr. BLANTON. The gentleman says this does not enlarge the former act. We are advancing \$340,000,000 before it is due, thereby giving the railroad companies the benefit of 5½ per cent interest which the Government has to pay for its money.

Mr. MONTAGUE. I do not agree with that interpretation. If a partial amount is plainly due, that much money is due and ought to be paid. [Applause.] We ought not to invoke technical language to get rid of an obligation of the Government. Now, Mr. Clark further says:

After considering this matter very carefully we incorporated in our annual report the recommendations, three in number, one applying to section 209 and one to section 204, that we should be authorized to issue these partial-payment certificates and that the Secretary of the Treasury should honor them. Now, that does not at all go to the idea expressed upon the floor this morning, that the bill will cover confused accounts. What the commission recommended was, in their opinion and within their authority, the issuance of partial certificates as partial payments on account, and when in their judgment such certificates were correct beyond question, beyond peradventure, the Government would be fully protected against overpayments.

Continuing this phase of the subject, I asked Mr. Clark this question:

Mr. MONTAGUE. You would reserve such a margin as not to jeopardize the interest of the Government?

Mr. CLARK. That would be our purpose. It would be our purpose to protect the interest of the Government, beyond question.

I submit to the committee that the industrial and economic exigencies of this country necessitate the utilization of the credits of the Nation as far as possible. It is apparent that when a sum is due and the commission shall have so certified, these certificates will be a tremendous contribution in liberalizing and freeing our credits for general use.

I again repeat that the Interstate Commerce Commission itself will safeguard the interests of the Government beyond, as Mr. Clark says, any peradventure, and will always reserve sufficient margins to protect the interests of the Government from any possible overcharge, so if we pay what we owe, what we must eventually pay, what is the harm?

Mr. HASTINGS. Will the gentleman yield?

Mr. MONTAGUE. I will yield to the gentleman from Oklahoma.

Mr. HASTINGS. The Esch-Cummins bill provided that during the period of guaranty the Government was protected by a bond. Why was not that carried forward into this bill?

Mr. MONTAGUE. I was not discussing the question of bonds.

Mr. HASTINGS. The point I was getting at was if it was thought necessary at that time to protect the Government by a bond given for advancements during the period of guaranty, why was not it put into this bill?

Mr. MONTAGUE. I do not understand that the gentleman states it correctly that these are advancements; they are payments on account of money due, and no bond will be required.

Mr. BARKLEY. If the gentleman will permit, the law required that for advancements during the six months' period they were required to give bond for repayment of any excess.

Mr. MONTAGUE. The gentleman is correct, but that does not pertain to the final account.

Mr. BARKLEY. Oh, no.

Mr. MONTAGUE. And if we are not required to give it on a final account, why should we on a partial account?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DEMPSEY. Mr. Chairman and gentlemen, the sole objection that I have heard urged here is that by this bill the House proposes to pay to the railroads something in advance of the time when it is due. It does not seem to me that gentlemen who urge that objection have read the terms of the bill, because it does not provide on its face anything of the kind. On the contrary, by express terms, it provides only for the payment of those sums which are definitely ascertained to be due, not something that it not due; an immature obligation, not something that is to become due in the future; but only those debts that have already matured. Even the deferred debits referred to in subdivision (b) are due, but owing to litigation or like cause the amounts can not be definitely ascertained or determined.

Take the language of the bill; this is the provision:

In making certifications under section 204 or section 209, the commission, if not at the time able finally to determine the whole amount due under such section to a carrier or the American Railway Express Co., may make its certificate for any amount definitely ascertained by it to be due, and may thereafter in the same manner make further certificates, until the whole amount due has been certified. The authority of and direction to the Secretary of the Treasury under such sections to draw warrants is hereby made applicable to each such certificate. Warrants drawn pursuant to this section, whether in partial payment or in final payment, shall be paid: (1) if for a payment in respect to reimbursement of a carrier for a deficit during the period of Federal control, out of the appropriation made by section 204; (2) if for a payment in respect to the guaranty to a carrier other than the American Railway Express Co., out of the appropriation made by subdivision (g) of section 209; and (3) if for a payment in respect to the guaranty to the American Railway Express Co., out of the appropriation made by the fifth paragraph of subdivision (i) of section 209.

(b) In ascertaining the several amounts payable under either of such sections, the commission is authorized, in the case of deferred debits and credits which can not at the time be definitely determined, to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items, and, when agreed to by the carrier or express company, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be binding in final settlement.

Now, that is all that this bill provides. It is all that it attempts to deal with. It does not deal at all with the amounts that are yet to become due. They are not advance payments. There is no provision for advance payments. Let us see whether the bill is going to be effective, because that question follows and our legislation will be entirely ineffective unless the sums are due. It can not interfere with any amount not due, because it does not attempt to provide for them. Let us see the situation. When we passed the Esch-Cummins bill we provided that if the railroads did not earn the standard returns during the six months following their return to their owners that we would pay them the difference. That is exactly that legislation.

Now, when does the amount become due? That depends on two things: First, when did the six months' period begin, and have the six months' period expired? The amount would become due the instant the six months' period expired, and there is no doubt but that it has expired.

Now, the gentleman from Tennessee [Mr. SIMS] makes two objections. First, he assumes that the Interstate Commerce Commission is to make some fatal error and he wants to defer that judgment. Is the question to be referred to some other body? Is it to be referred to the Supreme Court? Why, if it is to be determined anyway, in the end, by the Interstate Commerce Commission—you have the same commission, you have the same facts, and is the gentleman assuming that on the same state of facts the same body will give an erroneous judgment at one time and a correct judgment at another? How does the gentleman propose to do away with the result of these errors which he assumes will creep in if we have judgment now? His remedy is this: We will issue certificates of indebtedness now, and we will distribute those broadcast to all of our citizenship.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent for an extension of two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. What does the gentleman propose after a confiding public has come in and purchased these certificates? They are to be issued on his suggestion. We are then to find out there is a mistake and the Government is to repudiate these certificates which it has issued.

Is not that a marvelous remedy for gentlemen sitting here in a solemn way to propose, that we defraud our own citizens on these certificates, which are to be issued after a solemn investigation, and which the gentleman who leads the minority commends as being so good that everybody will buy them as soon as they are issued? He will be ready to repudiate as soon as he finds that the Interstate Commerce Commission has made some mistake. This is simply providing for a case of that kind.

It is conceded by everyone that they can ascertain now definitely and certainly what 90 per cent of this indebtedness is, that it can be figured by ascertaining and striking a balance, and that at the outside there will not remain over 10 per cent in dispute. It is a solemn obligation undertaken in a most solemn way by the highest tribunal in the land, the lawmaking body. It is due. Ninety per cent is definitely ascertained and known, and why should we, then, not pay the 90 per cent?

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Why should we seek an indefinite extension because there happens to be somewhere from 2 to 10 per cent about which there may not be any substantial, but may be some, dispute which requires possibly arbitration or further consideration?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute. I want to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. REAVIS. The gentleman states that 90 per cent of the amount has been definitely ascertained.

Mr. DEMPSEY. I understand from the chairman of the committee, who has given the matter very careful, very painstaking study, that the amount is not 90 per cent, but that it is somewhere near 98 or at least 95 per cent. I was stating it conservatively.

Mr. REAVIS. I want to ask a question. I notice in subdivision (b) of the bill that it says that where the amount has not been ascertained an estimate shall be struck, and the payment shall be made on an estimate. Suppose we pay more under the estimate than is really due, what protection has the Government?

Mr. DEMPSEY. You have just the same protection that you will have in any event. As I stated before, you have the same body, the Interstate Commerce Commission.

Mr. REAVIS. I know—

Mr. DEMPSEY. Wait a moment until I finish. You have the same body, you have the facts, and yet you say that you will have a different decision at a different time; that they will probably be wrong now, but they are certain to be right in the future. That is your sole argument.

Mr. REAVIS. Let me follow that by a suggestion further from the bill. It says that whenever an estimate has been agreed to by the railroads it becomes binding. If we pay more under the estimates than we owe, and they agree to it, what has the Interstate Commerce Commission to do with it?

Mr. DEMPSEY. Why, the Interstate Commerce Commission issues a certificate upon the facts, and its decision is made upon all of the data obtainable.

Mr. REAVIS. But if we pay more than is due?

Mr. DEMPSEY. We are just as likely to be right now as at any time in the future.

Mr. HUDDLESTON. Mr. Chairman, it seems to me that the argument of the gentleman from Virginia [Mr. MONTAGUE] is based on an erroneous premise. No partial payments on account of this guaranty whatever are authorized by the transportation act. No partial payments, either during the six months' period or after it, are authorized.

What is authorized? It is that during the six months' period advances may be made to the carriers on account of the guaranty, which advances are paid to the carriers upon a bond with security to make refunds in a proper case. There is no authority under the law to make advances after the expiration of the six months' period. Therefore it seems to me that the position of the gentleman from Virginia is not well taken.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. I wanted to call the gentleman's attention to that and give him a chance to answer when he had the floor. He did not yield to me.

Mr. MONTAGUE. I will answer it now, if the gentleman will yield.

Mr. HUDDLESTON. I have only five minutes.

Mr. MONTAGUE. But I had only five minutes and the gentleman had spoken an hour.

Mr. HUDDLESTON. No, no; I had spoken only five minutes. I will yield the courtesy to the gentleman that he refused to me.

Mr. MONTAGUE. I understand the gentleman to say that advances of money were authorized. That comes out of the Treasury, does it not?

Mr. HUDDLESTON. Certainly.

Mr. MONTAGUE. Then I submit that that is a distinction without a difference. It is a partial payment.

Mr. HUDDLESTON. The gentleman perhaps may not perceive it, but I see both the distinction and the difference, and I hope that other Members of the House may also do so.

The railroads cry for help and pretend that their chiefest concern is to give employment to labor. This pretense comes with poor grace from the interests which have evaded the labor sections of the transportation act. The typical railroad attitude toward labor is shown by the statement of the Railroad Labor Board of December 17, 1920, from which I quote:

It has come to the knowledge of this board that certain carriers have intimidated and coerced individual employees seeking the redress of grievances, refused to confer with their employees thereon, have discharged representatives of organizations who sought a conference pursuant to the act, and have refused to refer disputes to this board for its decision. Such carriers have disobeyed the letter and spirit of the act and are violators of the law which it is the duty of all citizens faithfully to support and obey.

They say that they want Congress to pass the Winslow Act so that they may give employment to labor. Remember that they are now seeking to destroy the national labor agreements; remember that some of them have made sensational cuts in wages without consulting their employees or the Labor Board; remember that some of them discharged thousands of their shop employees so that they might let cost-plus contracts for repairs to outside concerns owned by the same men. Remember that after having strenuously insisted upon the adoption of the labor sections of the transportation act against the bitter opposition of the employees, many of the railroads have flouted those sections with the deliberate purpose of destroying labor organizations and breaking the back of labor's self-respect. Such shameless hypocrisy discredits any claim that the railroads might make in their desire for legislation.

If the railroads want a donation of public money so that they may be enabled to give men work, I reply that I prefer to give charity direct to the suffering and not to trust a rapacious interest to pass on to the needy the few crumbs that may fall from their table. If we are to make a donation for the benefit of labor, let us give it direct to labor and not make it by such extreme indirection that the worker will receive it by being given work at starvation wages. If we are to practice the paternalism which the interests behind the railroads have fought so viciously when others were the supposed beneficiaries and spend public money to give men work, I say let us give them work at wages fixed by Congress and upon public work, so that the general public may receive some benefit. I would not be guilty of sending my rich neighbor a fine turkey merely to enable him to pass on the bones to a starving child.

THE FALSE CRY OF POVERTY.

The railroads cry poverty and assert that, notwithstanding the increases in rates by which they take an additional \$1,600,000,000 every year from the pockets of the people, they are about to go into bankruptcy. They demand further money direct from the Public Treasury. But it is not in the Treasury. The Treasury owes more than two billions in short-term certificates falling due monthly. More must be borrowed within a few days to meet current expenses. What the railroads demand is that the Treasurer of the United States shall go out and borrow three hundred or four hundred millions in order to anticipate the payments which may become due under the guaranty. They do not consider that the public credit will be impaired—that the value of Liberty bonds will be further depreciated; that the distress of other borrowers will be aggravated. In their selfish desire for money for themselves they are willing to threaten the whole financial structure.

But the railroads' cry of poverty is a false cry. They do not need money nearly so bad as they represent. In April, 1920, the Pennsylvania sold its bonds at 7 per cent. That railroad is now floating an immense bond issue at 6½ per cent. The financial world does not credit the railroad cry of poverty. The Washing-

ton Star, which is a sort of organ of financial interests, on January 15, referring to the Winslow bill, said:

Very likely the testimony before the House Committee on Interstate Commerce yesterday to the effect that the railways were seriously crippled by not receiving money due from the Government had something to do with the hesitation in this class of stocks. Still there was not the least weakness. It was obvious that the case of the railroads was being made out as bad as possible in order to hasten relief action.

Wall Street knows the condition of the railroads and Wall Street holds railroad stocks and bonds at from 5 to 25 per cent above the prices this time last year. The railroads are merely taking advantage of the figures for two months' temporary business depression to frighten Congress into opening the Treasury door.

AN INSPIRED PROPAGANDA.

The railroads are refusing to pay their bills for materials. They tell the material men that they have not got the money to pay, and ask them to urge upon their Congressmen to vote for the Winslow bill. The material men have responded, and as the result there is not a Member of Congress who has not received urgent requests from every railroad-material concern in his district to vote for the bill. With characteristic duplicity the railroad interests resort to this typical fraud upon Congress in order to get what they want. It is a railroad hold-up of the usual kind. The material men have probably written their Congressmen in good faith. They have been deceived. They do not know that some of the railroads which have asked them to bring pressure to bear on Congress have already had large advances under the guaranty, and there is little left to them under it. Others have borrowed money from the revolving fund; others have funds in their treasuries, and still others can borrow at low rates. In working a fraud on Congress these railroads have started out by lying to the material men. Through the material men and other interests which expect a secondary benefit strong pressure is being exerted in behalf of the Winslow bill. It is always thus when selfish interests are involved. They call in their affiliates, pressure is begun—nobody represents the great unorganized public; it is voiceless and without champion—so greed and rapacity drag down their prey.

The railroads know how to be arrogant as well as to be servile. They know how to plead strength as well as weakness. They are armed on all sides for all kinds of experiments and adventures. They are bullies to those who may be bullied, flatterers to those who may be flattered, cunning when strategy is required, bold when demands will be submitted to. They are like wrestlers, pure opportunists, taking advantage of any movement of the adversary. No principles restrain them. They are concerned with ends, not means. They ask for the Winslow bill arrogantly because the money is due them, servilely because they are poor, hypocritically that they may give work to labor, piteously for that they did not draw the original guaranty clause with sufficient cunning so that the comptroller's decision was unexpected.

But brushing away the smoke of the disguise we see the Winslow bill in the clear light as a cynical proposal to donate public money to the railroads, not to pay them what is owing, but to anticipate a debt not yet due—not to pay the agreed amount, but to enormously swell it so that the Government will lose several hundred millions in the end.

The railroads do not need the Winslow bill if they are willing to have final settlements now. A railroad may present its final claim to-day to the Interstate Commerce Commission and get the money on it. But that is not what they want. They are seeking an advantage not given them by the law. They are asking that, for the first time in legislative history, a discrimination in favor of a railroad as a creditor shall be made by the United States as against all other creditors of every kind and class.

In his letter to the committee, the Secretary of the Treasury said:

The guaranty provided in section 209 for the six months following the return of the roads to private control is not a compensation for any service rendered by the carriers to the Government or people of the United States which the carriers would not have been bound to render without the guaranty. The compensation to which the carriers may be entitled for the use of their property during the period of Federal control is adequately provided for elsewhere. I can think of no reason why the claims of the carriers in respect to this bountiful act of the Government should be relieved from the application of the safeguards erected for the benefit of the Government in its accounting system and its usual and orderly procedure for payment of claims in the same manner as such safeguards and procedure are applied to claimants for compensation for property or services rendered the Government.

The Secretary also said:

Upon the policy of authorizing to be made to a class of claimants who announce their claims as being vast, but have not as yet committed themselves as to the amount, partial payments of public money to sustain them while they expend effort and money in the preparation and

support of claims against the Government for losses sustained in their own management of their own property I do not venture to express an opinion. This is a matter for Congress.

The Secretary, together with Chairman Clark, of the Interstate Commerce Commission, seemed to feel that as public officers it was improper to advise what action Congress should take on the bill. But Members of Congress are charged with the duty as representatives of the people to oppose measures expressing bad public policy or in derogation of the general public welfare. In that capacity we must approach this measure without fear or favor.

DO NOT COME WITH CLEAN HANDS.

The railroads' proper attitude in presenting this measure is that of cringing, for they ask a favor—they ask, as I have said, a donation. Those who come asking favors should come with clean hands. The railroads should come with a showing that they have faithfully lived up to the transportation act, but this they have not done. They have evaded the law, have openly violated it, and have grossly abused it. They pushed with all their strength for the insertion of the labor sections of the transportation act. They wanted to be free from fear of strikes they said. The employees bitterly opposed those sections. They regarded the sections as violating fundamental principles of American liberty. The employees warned Congress that they would accept our action upon those sections as the test of our friendship—they answered at the polls Members who had opposed their interests here. Members who thus estranged their friends by supporting the labor sections are now amazed to find that the railroads themselves, who insisted upon their action, have ignored and violated the labor sections and appear to wish them repealed. The railroads have evaded the labor sections. Some of them have engaged in open conflict with their employees. They have reduced their working forces, closed their shops discharging thousands, and contracted necessary repairs to outside concerns, in part for the purpose of destroying labor organizations and breaking the back of labor opposition.

But the hands of the railroads are fouled by other conduct than in respect of labor. The guaranty was not conditioned on efficient or honest management. There has been gross waste and deliberate extravagance. The railroads have contracted repairs to outside concerns on vicious cost-plus contracts and by other wasteful agreements which have resulted in costs for repairs of from 50 to 500 per cent above what the cost would have been in the railroad shops. The public foots this bill under the guaranty.

GUARANTY SWELLED BY FRAUD.

But the guaranty has been swelled by other means than waste, extravagance, and dishonesty. At once upon the return of the railroads the executives entered upon a colossal program of repairs and renewals of way, bridge building and extensions, replacements and additions. Many, many millions were spent in reconstruction and other work—they put the railroads in better shape than they had ever been. More substantial bridges were built, roadbed widened, new rails laid, new sidings, new ties—more substantial than before. In this way the guaranty was swelled vastly beyond what was fair and right because wherever possible all these costs were charged against operation. Work of this kind was done on many roads during the guarantee period of from two to three times any previous similar period. It is said that work of this kind during the six months' guaranty was more than twice what it was during the following six months—all was charged to operation, all made a part of the railroads' claim for reimbursement under the guaranty, all to be paid for from the Public Treasury. And yet those who have been guilty of this plundering of the Treasury seek further favors from Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. I move that all debate on the pending amendment close in 15 minutes.

The motion was agreed to.

Mr. GOODYKOONTZ. Mr. Chairman, the gentlemen who are opposing this measure are what are commonly known as the "Plumb Planners." They are the ones who would like to see the whole American railway system collapse, break down, and fail, but their argument loses sight of the fact that the railroads are in the grasp of Uncle Sam; that the organizations are bound hand and foot, and can not issue one dollar's worth of stock, one dollar's worth of bonds, or raise the charge for freight unless the Government, acting by its agent, the Interstate Commerce Commission, permits it to be done. The transportation bill as drafted and brought on this floor contained a clause, which some called a guaranty, providing that the railroad owners should be allowed a reasonable income upon their investment until such time as the Interstate Commerce Com-

mission could revise and fix the rates in order that these properties might continue to perform their public function as carriers, and not go into bankruptcy. So that the so-called "gift," the so-called "bonus," the so-called "largess," terms used by members in opposition to the pending bill, was in reality the means provided by Congress to save these properties from disruption and disintegration, and to save them from the hand of the socialist who would take them over and operate them at the tremendous loss in revenue that obtained during the period of governmental control. [Applause.] But this Congress is an honorable body, and will be faithful in the fulfillment of the country's obligation to the railway companies and the people. The carriers do not have to come here "cringing," but they come openly challenging at our hands, as a matter of honor, their just rights involved in this bill, and I believe that the majority of this body stands ready and willing to accord these rights according to the terms and tenor of the measure that we have heretofore enacted into law—the transportation act. [Applause.]

The deficit in operation was largely due to increase of wages made retroactive. The railroads are owned by the American people. The heavy hand of regulation must not be used to destroy the greatest railway system in the world.

Mr. BLANTON. Mr. Chairman, when I voted for the Esch-Cummins bill I did so in my country's extremity, as that was the only means of getting the railroad properties back into the hands of their lawful owners and save this country from bankruptcy. My limit was reached when I voted for that bill, and I am not going to be instrumental in passing a greater burden on to the Joneses. One thing further: I am not a Plumb planner. The gentleman from West Virginia [Mr. Goodykoontz] says that everybody against this bill is for the Plumb plan. He knows I am not for the Plumb plan, but I am against the Winslow bill. I am also against the foolish amendment offered by the gentleman from Tennessee [applause], that would have us pay in addition to the \$340,000,000, 6 per cent interest more upon most of it for about two years, which interest is even more money than the Government has to pay, because it has to pay 5½ per cent for its cash. What have we already had to pass on to the Joneses? Why, during the war we had Mr. McAdoo, the Director General of Railroads, first to hand out of the Treasury \$764,000,000 in so-called annual increase in railroad wages, which we passed on to the Joneses. Then a little later we had Director General Hines pass \$67,000,000 more in annual railroad wage increases on to the Joneses, and then in the dying hours of Congress we passed \$34,000,000 in wage increases more on to the Joneses. Then we created the railroad board, with all of its incidental expenses, and its decision later on passed \$680,000,000 more in increased railroad wages on to the Joneses. The time has come when somebody in behalf of the Joneses ought to get up and say something to stop it. Before we passed the Esch-Cummins law if you wanted to go to Texas you would have to make your reservation a week in advance to get even an upper berth on this 4.50 train to St. Louis and the Texas special from there to my home State. Now you can get on any of the fast trains all over the country and you will find practically empty Pullman coaches with two or three passengers, and the railroads have said to the country that they must take off many unnecessary trains and must decrease their force at least 33½ per cent to prevent bankruptcy, yet these surplus railroad employees that the Government put on in war time refuse to be discharged, and now that the railroads attempt to decrease their employees and take off unnecessary vacant trains, the arrogant organized employees come before the country saying that the railroads can not turn them off; that they will cause a nation-wide strike, and that the railroads must keep them on the pay roll even if we have to again increase freight and passenger tariffs, thus again passing it all on to the Joneses, and instead of meeting that condition, instead of passing the Poin Dexter bill, that passed the Senate when nobody was observing, but has since been held up there—instead of doing something for the Joneses, you Republican brethren of ours are still bringing in these \$340,000,000 items of tax burdens on the people and keeping it up. Oh, you claim you are the friends of the people, but the people have not yet found you out, but they are slowly finding you out. Why, we had an unveiling ceremony in this House this morning. We unveiled you Republicans on the other side of the aisle by having two record votes, so that you fellows who have been cussing the Secretary of War for wanting a big Army—we gave you a chance to vote for a small one this morning, and every last one of you stood up and voted for a big Army as against a small one.

You can not fool the people always. The Joneses are finding you out. We are going to have lots of unveiling ceremonies here from now on. We are going to unveil you every time you

fail to keep your promises that you made on the hustings to the people. You are not keeping your promises in this Winslow bill, and you can not keep them in voting for the amendment of my friend from Tennessee [Mr. SIMS]. I am for the Joneses.

Mr. HUSTED. Mr. Chairman, the gentleman from Alabama [Mr. HUDDLESTON] is the only gentleman who has attacked this bill upon the floor of this House with any degree of bitterness. His purpose is very obvious. He evidently wants the management of the railroads under private ownership and under private control to fail, in order that the Federal Government may be obliged to take them over and that we may have the Government ownership and the Government control of railroads, with all the loss to the taxpayers of this Nation which such a proceeding would involve. And in order to bring about that condition he wants the United States Government to defer the payment of a just obligation to the railroads until the railroads are forced into receivership or into bankruptcy. And that is just what the result will be if this Government does not come to the rescue of the railroads in this emergency.

To-day they are in a serious condition. There are railroads to-day that have enjoyed the highest credit in this country, that owe many, many millions of dollars on merchandise account, and there are railroad companies that never were behind in their payments before that owe millions of dollars upon traffic balances. From the standpoint of getting this country, however, upon a business basis, I submit that this is the most important measure which has been before the Congress at this session. If we can get the railroads out into the market, the houses that supply the railroad companies will be enabled to do business and will be enabled to give employment to the hundreds of thousands of workers that are out of employment in this country, we should do so. This bill should pass, and it should pass without amendment. It should not only pass this House, but for the welfare of the Nation and the people of the Nation it should be enacted into law just as speedily as possible. [Applause.]

Mr. SIMS. Mr. Chairman, some gentlemen refer to the fact that I want to pay 6 per cent interest on the certificates when the Government can borrow at a lesser rate. They are evidently speaking without knowledge. My amendment does extend the time to January 1, 1922, in which to issue certificates, and the Government has to pay 6 per cent interest on money borrowed for one year. Therefore I think that the certificates that under the bill will have to be paid immediately will cost the Government 6 per cent on the money it will have if payment is to be made immediately, so why not let the certificates themselves bear interest at the rate of 6 per cent? The gentleman from New York [Mr. DEMPSEY] said they would be scattered all over the country. They are not money. Railroads could borrow on them if they have got any credit at all. I will say to gentlemen that \$340,000,000 will not equal one-half the loss as claimed by the railroads during the private control for the six months' guaranty period. They claim a deficit of over \$100,000,000 a month, according to their own statements. It will not put them in a rosy condition, according to their own statements. It will do the railroads but little good if they are in as bad a fix as you say they are.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: At the end of line 14, page 1—

The CHAIRMAN. The Chair will call attention to the fact that there are only 13 lines on page 1. The gentleman probably has a printed bill, different from the one reported.

Mr. BARKLEY. It is on page 2, at the end of the first line.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 1, page 2, insert: "Before making such payment or drawing such warrant, unless it be upon a final settlement, the Secretary of the Treasury shall require the carrier to execute a contract on such security as the Secretary of the Treasury may determine, that upon final determination of the amount of the guaranty under sections 204 and 209, such carrier will repay to the United States any amounts which it has received from such partial payment in excess of the guaranty, with interest at the rate of 6 per cent per annum from the time such excess was paid."

Mr. BARKLEY. Mr. Chairman, this amendment carries out the provision which the transportation act carries in subsection (h) of section 209, which authorizes the commission to certify advancements to the Secretary of the Treasury where it is necessary to pay fixed charges and operating expenses. As you

will recall and as has been stated here over and over again to-day, during the first six months of private operation the law provided if any railroad accepted the guaranty and filed application with the Interstate Commerce Commission for an advancement upon the guaranty, in order that it might pay the fixed charges and meet operating expenses, the Interstate Commerce Commission should certify such amount as it thought necessary to the Secretary of the Treasury, and the Secretary was thereupon to make the payment. The law provided that not only—

Mr. WINSLOW. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. WINSLOW. I would like to ask the gentleman if he feels that the two conditions are comparable? No. 1, the provision in the section, is referred to, which required a deposit or bond or some security, a condition which we have in this bill.

Mr. BARKLEY. I may have to ask an additional time.

Mr. WINSLOW. I hope it will be granted. Under the provision of the transportation act the amount arrived at and which could be put forward as an advance was the estimated amount, and for that reason of estimate, in order to protect the Government, the conditions of the bond or security to cover are provided in the law.

Now, in this instance we have another situation. Whatever amounts will be paid under the bill before us will represent agreed-upon amounts, which have been carefully canvassed, and which have been worked out to the satisfaction both of the debtor and the creditor. That is a very different situation, indeed.

Mr. BARKLEY. Mr. Chairman, the difference is more in form than in substance. Under the original act, which I was discussing, the carrier which sought the advancement was not only required to give a bond such as I provide for in my amendment, but the carrier was also required to give security for the whole amount paid by the Government.

Mr. WINSLOW. Will the gentleman kindly read the law which covers that point, in his judgment?

Mr. BARKLEY. It is practically in the same language as the amendment which I have offered.

Mr. WINSLOW. Will the gentleman kindly read it?

Mr. BARKLEY. I read:

The Secretary of the Treasury, on receipt of such certificates, is authorized and directed to make the advances in the amount at the time specified in the certificates upon the execution by the carrier of a contract secured in such manner as the Secretary may determine, that upon final determination of the amount of the guaranty provided for by this section such carrier will repay to the United States any amount which it has received in excess of the guaranty.

Mr. WINSLOW. "In excess of the guaranty." That is not like what the gentleman represented. The gentleman stated it was to cover the whole principal sum.

Mr. BARKLEY. They are not required to give security as if they were borrowing upon a promissory note, but they were required to give bond for the return and payment of any excess which later on might be found to be due, after the six months' time expired and the commission and the railroads had sat down at the table and determined the amount due. The gentleman says this is a different situation.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. EVANS of Nebraska. Will it not be necessary to strike out all of lines 21 and 22 on page 2, after the word "section," in order to make your amendment operative as to those debts?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BARKLEY. Now, this amendment of mine is particularly important, it seems to me, in view of subsection (b) of this bill. Subsection (b) attempts to make it possible for the railroads and the Interstate Commerce Commission to estimate, to make a reasonable estimate, of any outstanding deferred items of debit and credit as between the Government and the railroads. Now, let us suppose that during the period of the guaranty a man has been injured or killed upon a railroad and a lawsuit has been brought against the railroad for recovery. Suppose that lawsuit is for \$20,000 damages. The railroad will come to the Interstate Commerce Commission and will say, "The average percentage of recovery upon our road for a period of time is a certain amount"—we will say \$5,000 in such cases—and therefore we ask that the Interstate Commerce Commission will estimate with us what the jury would probably return a verdict for upon the trial of that case." The Interstate Commerce Commission, we assume, will

agree that \$5,000 will be a reasonable estimate upon that recovery.

Mr. WINSLOW. Does the gentleman's amendment apply only to that class of cases?

Mr. BARKLEY. My amendment applies to all partial payments that may be made, but in forming partial payments the Interstate Commerce Commission, of course, will include in its certificate all sorts of claims. They will include these items of settlement on a reasonable estimate of the outstanding debits and credits, so that the amendment covers these as well as the payments provided for in the first subsection of the bill.

Now, we will change it from a personal injury case to a property damage case. Suppose that a shipment of freight is damaged. That is a part of the considerations that are taken into account by a railroad in determining its net income. The Interstate Commerce Commission does not offer evidence as to that, but the railroad will bring its evidence before the Interstate Commerce Commission, and, based upon the railroad's evidence, they may be able to reach a reasonable estimate. But suppose it turns out afterwards that there is a mistake, and suppose that the railroad has put something over the Interstate Commerce Commission in arriving at the estimate. Then under the language of this bill that estimate which has been arrived at must be a final settlement as to that item, and the Government has no recourse to offset that claim against another claim that may be adjusted in the future. Therefore I think it is very important to require that the railroads shall be required to give bond, so that if they are overpaid the excess shall be returned to the Government.

Mr. WINSLOW. Does the gentleman contend that we are to undertake to provide for bonds to recover any excess that the Government might pay to the carrier in such a case in final settlement?

Mr. BARKLEY. Of course, that might be necessary if there were any doubt of the Government's ability or willingness to pay. But if it should be determined that the railroad had been paid less than it was estimated it should be paid I think the Government would be under obligation to pay it. I doubt seriously if these debits and credits ought to be binding upon either the railroad or the Government except when the railroad makes its final settlement.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DENISON. Then, there would be no compromise, and the railroads and the Government would have to wait until the final settlement was determined. The purpose of this bill is to encourage early settlements.

Mr. BARKLEY. This bill will not encourage early settlements. If you strike out the language making it final as against both the railroads and the Government, you will leave them free to offset these claims against each other. But if you leave the language like it is you have this situation: Every road will insist on settling each one of these items at a time, and when one of them has been settled the Government is bound by that settlement. Therefore the Government can not use any particular item as an offset against some other item that will arise on a different claim.

Mr. DEMPSEY. Will the gentleman yield for a short question?

Mr. BARKLEY. I will.

Mr. DEMPSEY. The gentleman's argument really applies only to the items embraced in section (b).

Mr. BARKLEY. It applies to all of them; and I think the language in that section makes this amendment all the more necessary in order to protect the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. I have been interrupted so much that I ask for three minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. The gentleman's amendment is addressed entirely to section (b). Would it not better be placed as an amendment to section (b) instead of an amendment to section (a)?

Mr. BARKLEY. I do not think so, because it applies to the partial payments, and subsection (b) provides, of course, for partial payments upon these estimates; but they may be included in any partial payment on either account as well. They do not have to have a certificate for each individual case. They may settle a dozen claims and include them all in one certificate. So it applies to the provisions of the whole bill.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman.

Mr. EVANS of Nebraska. The gentleman has not yet answered the question that I asked. Will not the concluding words of paragraph (b) prevent the gentleman's amendment from being operative as to estimates so agreed upon? It says they shall be binding in the final settlement.

Mr. BARKLEY. It would be binding—yes—and it would prevent the amendment from operating in so far as final settlement was concerned, but it would not prevent the Government recovering any excess paid on the total amount, as based on the final settlement, if it should be determined that there had been an overpayment.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. I want to ask the gentleman if he is not mistaken about the fact that his amendment ought to be applied to section (b), for the reason that if the Government and the railroads agree to settle, that determines the matter and it is not open to future investigation?

Mr. BARKLEY. No; I think the amendment I have offered is in the right place, because it comes in where the Secretary of the Treasury is directed to pay. Now, in all seriousness I ask, what objection can there be to requiring the roads to give this bond? I have been told that if this bond is required some of the smaller railroads can not give it. If they could give bond in order to get the advancement during the first six months, they can give bond in this case; and any railroad in the United States that can not give bond to pay back to the Government any overpayment which it receives ought not to receive the partial payment.

I hope this amendment will be adopted. It will safeguard the interests of the Government, whereas under the bill as now drawn there is no safeguard whatever. [Applause.]

Mr. DENISON. Mr. Chairman, I should like to say just a word in opposition to the gentleman from Kentucky and to answer a question which he asked. He said, "What objection can be made to this proposed amendment?" And he himself anticipated the objection.

It was stated before our committee that the objection to this provision in the original bill requiring security was that it worked a hardship upon the very roads that the Government was endeavoring to assist. Now, every one of us knows that the wealthy roads can easily furnish security when they are called upon to do so. Those roads, indeed, would not have to give security, because they are financially responsible; but the small roads, the so-called weak roads, have already hypothecated all of their available security for loans, and they are the ones that can not give this additional security. Therefore the amendment that the gentleman from Kentucky offers will work a hardship upon the very roads that we want to help, if we can.

Mr. BEE. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BEE. I will ask the gentleman if it is not true that the large payments the Government will have to make will be under the first section, and that these estimated amounts are not going to be so very large?

Mr. DENISON. That is exactly true. And then, gentlemen of the committee, it seems to me Congress can very well depend upon the Interstate Commerce Commission to protect the interests of the Government. The Interstate Commerce Commission is the tribunal which we have intrusted with the authority to make these final settlements, and if we can depend upon them to protect the interests of the Treasury in making final settlements, it seems to me we can very well do so in making partial settlements.

Mr. BARKLEY. I desire to say that my amendment, as far as I am concerned, presupposes no lack of confidence in the Interstate Commerce Commission.

Mr. DENISON. I should think it does.

Mr. BARKLEY. But the Interstate Commerce Commission is liable to make mistakes as well as anybody else, and these accounts will be audited by individuals in the Interstate Commerce Commission. Does the gentleman think that the Government should be protected if it should occur that a mistake was made?

Mr. DENISON. We have got to reach settlements some time. I was informed this morning that the accounting department of the Interstate Commerce Commission is the finest accounting institution of its kind in the United States, if not in the world; and if we can not depend upon it to safeguard the interests of the Treasury in making these settlements, then we ought to endeavor to provide some tribunal upon whom we can depend.

Mr. SUMNERS of Texas. With regard to the entirely ascertained amounts, I can see the force of the gentleman's position, but with regard to those amounts which everybody admits can not be ascertained, which must be guessed at in large measure,

does not the gentleman think it would be fair to the country and fair to Congress when we come to that on this bill that there should be some sort of a provision here under which, if the Government does overpay, it can get its money back?

Mr. DENISON. Now, the answer to that is that the Interstate Commerce Commission is not going to do any guessing on anything.

Mr. SUMNERS of Texas. They have to; this is a guessing section.

Mr. DENISON. An estimate is not a guess. They will not submit any estimates until they are reasonably certain of their accuracy.

Mr. BARKLEY. How would the Interstate Commerce Commission estimate the amount due in a lawsuit for personal injury?

Mr. DENISON. The Interstate Commerce Commission would not do that.

Mr. BARKLEY. That is a part of the auditing of the debits and credits of the railroads.

Mr. DENISON. The gentleman is assuming that the Interstate Commerce Commission will go ahead and estimate down to the last dollar. They are not going to do that; they will leave a reasonable margin; they testified that they would do that before our committee. They said they would leave a reasonable margin for the protection of the Treasury.

Mr. BARKLEY. I am speaking of the law that gives them the authority to guess on the loss that the railroad will sustain in a personal injury where a man had his leg cut off and in which the man may not recover anything.

Mr. DENISON. I think to require the railroads to give security to protect the Government against mistakes that the Government itself might make would be a hardship on the roads, and we ought not to require it.

Mr. BEE. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BEE. As I understand, we owe the railroads a great deal of money, and the paying of that money will save them from bankruptcy that confronts them. What is the necessity of section (b) at all? Why can not the railroads wait after they have been tided over this condition? Why is it necessary that the Government should pay them on estimates when the railroads do not need it?

Mr. DENISON. Some railroads do need it.

The CHAIRMAN. The time of the gentleman from Illinois has expired and all debate on the amendment is exhausted.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I do this for the purpose of commenting on the remarks of the gentleman from Illinois [Mr. DENISON], made in general debate, and on the remarks of the gentleman from New York [Mr. HUSTED] and the gentleman from West Virginia [Mr. GOODYKOONTZ], both of whom I hope are in the room.

These gentlemen have imputed insincerity to those who are opposing this bill, not directly but by insinuation. They have in effect insinuated that I, for example, wanted the railroads driven into bankruptcy so as to promote Government ownership of railroads.

Mr. Chairman, there is not the slightest foundation, in fact, upon which this argument might have been made. It is my observation that gentlemen who resort to arguments of that kind usually do so because they are lacking in enough judgment and information on the subject to be able to discuss it from any other standpoint. I have heard nothing in the remarks of these gentlemen which would give a different impression of their situation. Such arguments, Mr. Chairman, are unparliamentary. They are unworthy not only of the gentlemen who make them but of the forum in which they are made.

The gentleman from Illinois [Mr. DENISON] and the other gentlemen [Mr. HUSTED and Mr. GOODYKOONTZ] have supply concerns in their districts. They have railroad officials, railroad attorneys, and perhaps have stockholders and others selfishly interested in this measure in their districts. All such interests are supporting this bill. It would be just as legitimate, it would be just as fair and gentlemanly, for me to say that they are inspired by selfish motives in their advocacy of the bill, and that they are insincere in advocating it.

My opposition to this bill is based on information and reason. I have arguments to make on its merits. I am not driven to the extremity to which these gentlemen are so as to have to resort to arguments based upon personalities. I will not say that these gentlemen are insincere. It would be unparliamentary to do so. Those who are sincere naturally assume that other gentlemen are honest and inspired by honorable motives.

Mr. DENISON. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. DENISON. I want to correct the gentleman's impression. I did not mean to insinuate or infer that the gentleman was not sincere; I think he is sincerely opposed to the bill.

Mr. HUDDLESTON. The gentleman made an imputation that I was trying to force the railroads into bankruptcy.

Mr. DENISON. No; I did not. I said that that was my judgment of the effect.

Mr. HUDDLESTON. The gentleman does not realize the difference between the expression that he says he used and the one that I say he used.

Mr. DENISON. I think the gentleman is sincere in thinking that; I think he sincerely wants to force the railroads into bankruptcy.

Mr. HUDDLESTON. Then it would follow that I am insincere in my argument that this is a vicious measure and will operate to rob the Treasury of the United States.

Let me say that it should be sufficient for the gentleman from Illinois if his own motives are pure. He should give others credit for the same honor that he has. I am willing to accord to gentlemen who speak on the floor of the House under their responsibility as representatives of the people of the United States that they want to do what is fair, right, and honest.

The gentleman from Illinois was not offending for the first time in what he said this morning. When the Esch-Cummins bill was being discussed the gentleman made similar imputations. It was unworthy then and it is unworthy now. I trust that the gentleman will hereafter confine himself to arguments on the merits of measures instead of basing them on some personal factor which exists only in his own imagination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, the amendment which the gentleman from Kentucky [Mr. BARKLEY] offers was thoroughly discussed by the committee during the consideration of this bill. I want to read you what Mr. Robinson, representative of the short line roads, said relative to this question:

If a law should be enacted requiring the short lines and weak roads to guarantee repayment to the Government in case of a mistake by the Government itself, it would be a very serious burden. Most of these short lines have no collateral which the Secretary of the Treasury will accept. They will, therefore, have to induce bonding companies to go their bond, and in addition to paying a large premium they will have to guarantee the bonding company that the money will be repaid. The roads in the greatest need will be prevented from getting money due them if they are required to give bond.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I have only a minute. I am sure that if the amendment of the gentleman from Kentucky [Mr. BARKLEY] is agreed to the weaker roads, these roads that have no collateral, these roads that can not give bonds, will suffer by it.

Mr. BEE. Mr. Chairman, will the gentleman yield for a question?

Mr. COOPER. Yes.

Mr. BEE. Does not the gentleman think that if the Government of the United States should pay in excess of what they owe the railroads, the Government of the United States ought to have the right to institute the necessary proceedings to recover from the railroads the amount improperly paid, and in that event would not the Government of the United States be entitled to judgment and execution to collect the amount?

Mr. COOPER. The gentleman from Ohio is agreed and is entirely willing to let the Interstate Commerce Commission make a settlement of these payments for our Government. They are the authority that has the power to negotiate questions of this kind. I am not afraid that the Interstate Commerce Commission will permit any overpayments on these partial payments which the railroads are now asking.

Mr. BEE. But the gentleman does not answer the question. Ought not the Government to have the right, and would it have the right under paragraph (b) to recover back from the railroads any amount paid in excess of what the railroads were entitled to receive? Ought they not to have that right?

Mr. COOPER. As I said before, I believe the Interstate Commerce Commission can take care of that, and that there will be no overpayment, and they will protect the Government.

Mr. BEE. Does the gentleman from Ohio think the Congress of the United States ought to abdicate its power and put it into the hands of the Interstate Commerce Commission?

Mr. COOPER. No; I do not believe the Congress ought to pay anything not owing to the railroads.

Mr. BEE. Does the gentleman think we ought to abdicate our power to hold the reins to the Interstate Commerce Commission?

Mr. COOPER. No; I do not; but I believe that the Interstate Commerce Commission is qualified to take care of this matter and fully protect the Government against any overpayment to the carriers.

The CHAIRMAN. The time of the gentleman from Ohio has expired. Debate on the pending amendment has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. UPSHAW. Mr. Chairman, I move to strike out the last word.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to modify my amendment.

Mr. ESCH. Mr. Chairman, I move to close all debate on the pending amendment.

The CHAIRMAN. The gentleman from Kentucky submits a unanimous-consent request.

Mr. BARKLEY. I yield for the motion of the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the pending amendment be now closed.

The motion was agreed to.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to modify my amendment very slightly in verbiage. I ask to be permitted to insert before the word "that" the word "providing," so that it will read "providing that," and instead of the words "has received" to insert the words "may receive."

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to modify his amendment in the manner which the Clerk will report.

The Clerk read as follows:

Modified amendment: After the word "determined" and before the word "that" insert the word "providing"; and strike out the words "has received" and insert in lieu thereof the words "may receive."

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. ESCH. Mr. Chairman, I would ask the gentleman from Kentucky if this does not make it mandatory on the Secretary of the Treasury, so that he has no discretion in the matter?

Mr. BARKLEY. Yes; it is mandatory.

The CHAIRMAN. Debate is exhausted. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. BARKLEY) there were—ayes 65, noes 115.

So the amendment was rejected.

Mr. DEWALT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DEWALT: Page 2, line 22, strike out the word "binding" and insert the words "prima facie, but not conclusive, evidence of their correctness in amount."

Mr. DEWALT. Mr. Chairman, I have heard a good deal of talk about sincerity, and possibly some one might accuse me of being sincere in my insincerity. What I mean by that is this: I am heartily in favor of the provisions of this bill, and think they are absolutely necessary for the preservation of the commerce of the Nation, but at the same time I am very jealous of the rights of the Treasury Department, while at the same time desiring to do justice to the railroad companies. The phraseology of section (b) on page 2 is—

(b) In ascertaining the several amounts payable under either of such sections, the commission is authorized, in the case of deferred debits and credits which can not at the time be definitely determined, to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items, and, when agreed to by the carrier or express company, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be binding in final settlement.

I think that word "binding" goes too far. In other words, if there should be an excess amount paid upon these unjust claims, and that payment was based upon an estimate made by the Interstate Commerce Commission, and then agreed to by the express company or by the carrier, it would be binding and conclusive, regardless of any errors that might afterwards be ascertained. It seems to me that that goes further than any court of equity would compel us to go, and that as a legal proposition in any court we would not be able to sustain it. Therefore, I seek to insert these words after the striking out of the word "binding," so that it will read:

And such estimates so agreed to shall be prima facie, but not conclusive, evidence of their correctness in amount.

Mr. GRIFFIN. Mr. Chairman, I have an amendment at the desk which I offer as a substitute to the amendment of the gentleman from Pennsylvania [Mr. DEWALT].

The CHAIRMAN. The gentleman from New York offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GRIFFIN as a substitute for the amendment offered by Mr. DEWALT: Page 2, line 21, after the word "sections," strike out the comma, insert a period, and strike out the words "and such estimates so agreed to shall be binding in final settlement."

The CHAIRMAN. The gentleman's amendment is not a substitute. It would be in order to move to strike out, and the other amendment will be voted upon first.

Mr. GRIFFIN. Mr. Chairman, I am in hearty agreement with the gentleman from Pennsylvania as to the disease from which the patient is suffering. Lawyers, I presume, have a right to differ as the doctors do about the remedy. He believes that we ought to lengthen the clause by inserting after the word "binding" a proviso that such determination shall be prima facie evidence—

Mr. DEWALT. Will the gentleman allow me to interrupt him?

Mr. GRIFFIN. I will.

Mr. DEWALT. I do not propose to insert after the word "binding," but I propose to strike out the word "binding."

Mr. GRIFFIN. Well, after striking out the word "binding" he would add the words "and such estimates so agreed to shall be prima facie evidence only" and not binding. In other words, he wants to use the words "prima facie" instead of "binding." Now, the effect of that is to throw the burden of proof on the party complaining of the error, fraud, or mistake. This is a very doubtful relief or alleviation of the clause used in this paragraph.

My amendment proposes to strike out the entire clause, "and such estimates so agreed to shall be binding in final settlement." Why say anything at all about it? If the commission determines that there is a reasonable amount due to the railroad companies, that ought to be enough. It is not necessary to say it is either binding or prima facie, because if you do you are going to tie the Government as well as the railroads or express companies, whereas, if you do not say anything at all, you leave it to equity and common sense.

Mr. SUMNERS of Texas. Has the gentleman considered the effect of the word "definitely," in line 19, in connection with his amendment?

Mr. GRIFFIN. Not particularly.

Mr. SUMNERS of Texas. I suggest that the gentleman better consider that.

Mr. GRIFFIN. The gentleman calls my attention to the term "definitely," in line 19. The paragraph reads, skeletonized, that the commission is authorized in certain contingencies to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items, and when agreed to by the carrier or the express company to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections.

Of course, that has nothing to do with the amendment proposed by the gentleman from Pennsylvania or myself. It is the words "reasonable estimate" in this paragraph which make it vicious, and in calling the attention of the committee to its danger let me say that this so-called "reasonable estimate" when once definitely ascertained may be used as a definite, specific binding factor in the final audit, and it will certainly prove a very serious detriment to the interests of the Government.

Mr. DENISON. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Pennsylvania. As I understand the proposition, the final provision of the paragraph is to enable the Interstate Commerce Commission and the various roads to arrive at final settlements as early as possible. Now, this provision is just as favorable to the Government as it is to the roads; as a matter of fact, in my judgment, it will be more favorable to the Government, because from what I have been told by those connected with the Railroad Administration the railroads are all very anxious to arrive at an early settlement. They are willing to compromise in order to get anything like what they think the Government ought to pay them; so, if there are any mistakes made in these estimates, they will more than likely be in the Government's favor, rather than against the Government.

Mr. DEWALT. Will the gentleman allow me?

Mr. DENISON. This provision of the bill is intended to arrive at a full final settlement as early as possible instead of leaving it open. I will yield to the gentleman.

Mr. DEWALT. There is one principle of law that is certainly correct, that where two parties have entered into an agreement, and that agreement is a written agreement, it can not be altered or changed unless upon the ground of fraud, accident, or mistake. Now, all I am asking in this amendment is this, that this finding of the Interstate Commerce Commission, agreed to by the carrier, if you please, can not be binding upon either party, but it shall be open upon the ground of either fraud, accident, or mistake, and it is simply a legal principle applied to the bill.

Mr. DENISON. If that should be done, Mr. Chairman and gentlemen, it seems to me there will be claims coming in against the Government in favor of some of these railroads until most of us have passed away; if we can do anything to expedite final settlement with the railroads, it ought to be done. I am afraid the amendment offered by the gentleman from Pennsylvania will simply leave the matter open for claims against the Government to be reopened and reconsidered year after year by the courts. I can not agree to the gentleman's legal proposition that this provision as to a prima facie finding being necessary to allow a showing of fraud or mistake.

Mr. DEMPSEY. Will the gentleman yield?

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. McCLINTIC. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 2, line 21, after the word "shall," strike out the balance of the paragraph and insert the words "shall not be binding until a final settlement is made."

Mr. McCLINTIC. Mr. Chairman, I have offered this amendment with the hope that it will clarify the language, so we might know just exactly what the bill would provide for, in case anything arises in the future which would cause a difference of opinion relative to any financial settlement between the railroads and the Government. Everyone knows that any legislation that deals with the railroads is always carefully scrutinized by some person who hopes to find dynamite in the bill. I want to vote for this measure, but I want it amended, so I will not be criticized in the future if something should arise which would show that the Government had not been properly dealt with and that the Government had been called upon to pay out a sum of money that was not just and correct. For this reason I hope that the chairman will be willing to accept my amendment, so we may know that until final settlement is made that no estimate or approximate estimate will be final.

Mr. MERRITT and Mr. SUMNERS of Texas rose.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, this matter was discussed very fully in the committee, and Mr. Clark, of the Interstate Commerce Commission, was questioned about it. He said this:

In transactions which involve such a multitude of detail, scattered over so broad a jurisdiction and involving so intricate a business, it is almost impossible to reach an adjustment which can be said to be in every particular exactly accurate. It has not been possible during Federal control, any more than it is possible under private control, for the responsible officers to personally supervise every activity and every action of every employee, which may result in slightly affecting one way or other the operating results.

The director general, acting as agent for the President under authority conferred upon him by the Congress, is authorized to make adjustments and final settlements with the roads for the compensation due them for the use of their properties during the period of Federal control. Adjustments, as I am informed, have been made which involve some element of compromise as between the Government, represented by the director general, and the railroads which has been accepted as final settlements. It seems to us that it is more businesslike and better all around for the commission to have like authority with regard to these items of deferred debits and credits and reach some understanding with the carriers which will be accepted as a final settlement and close the matter up, assuming, of course, that the commission would be very careful to protect the interests of the Government to every reasonable extent.

Now, Mr. Chairman, it seems to me that covers this whole question from a business point of view. It is going to be much cheaper, and I am sure it will be better both for the Government and the railroads to have these things settled quickly, and in the end the Government will spend less money than it will if they are strung along, when the mere accounting will cost the Government more money than any possible differences in the settlements. As a business proposition, I hope the bill will pass as presented.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Chairman, I ask that it be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. DEWALT], the substitute offered by the gentleman from Oklahoma [Mr. McCLINTIC], and the motion to strike out offered by the gentleman from New York [Mr. GRIFFIN].

The Clerk read as follows:

Amendment offered by Mr. DEWALT: Page 2, line 22, strike out the word "binding" and insert the words "prima facie but not conclusive evidence of their correctness in amount."

Substitute offered by Mr. McCLINTIC: Page 2, line 21, after the word "shall," strike out the balance of the paragraph and insert the words "not to be binding until the final settlement is made."

Amendment offered by Mr. GRIFFIN: Page 2, line 21, after the word "sections," strike out the comma and insert a period, and strike out the words "and such estimates so agreed to shall be binding in final settlement."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma [Mr. McCLINTIC].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Pennsylvania [Mr. DEWALT].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. DEWALT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 70, noes 96.

Mr. DEWALT. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. WINSLOW and Mr. DEWALT took their places as tellers.

The committee again divided; and there were—ayes 116, noes 95.

So the amendment was agreed to.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to withdraw my substitute.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his substitute. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McKEOWN: On page 2, in line 22, after the word "settlement," strike out the period and add the following: "Provided, That no carrier nor the American Railway Express Co. receiving partial settlement under this act shall declare any dividend before paying all final and valid judgments pending unsatisfied against such carrier or the American Railway Express Co."

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, you are providing in this bill for making a partial payment in advance of final settlement of the claims of the railroad companies against the Government. There are a number of final judgments now throughout the country whose settlement is being delayed upon the plea that the United States Government owes the railroads and does not pay them. Now, in order to safeguard these judgment creditors, if you are going to make an advance payment to the railroad companies, then the railroad companies ought not to stay, put off, or delay the payment of the final judgments. And it is not right to take the money out of the Treasury of the United States and pay it out in dividends to the stockholders in these railroad companies without paying the judgment creditors, because the use of the money at 6 per cent is a very nice thing now at the rate of interest at which bonds and securities are being offered on the market. In other words, the use of the money at 6 per cent is very nice for the companies to use if they can delay the payment of their judgments by telling their creditors to wait until they can get a final settlement from the United States. I think if you are going to pay in advance they ought, in fairness and justice to the judgment creditors, pay them before they can declare a dividend to their stockholders. Some man may say that the railroads are not going to pay any dividends. There will be some railroads that will pay dividends. Some of them, in order to keep up their organizations and keep things going, are going to pay dividends, and they will take some of this money of the taxpayers to pay with, and tell the judgment creditors that they must wait until they can get a final settlement so that they can pay the judgments.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma [Mr. McKEOWN].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. McKEOWN. Division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 105.

So the amendment was rejected.

Mr. PELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 1, line 9, between the words "for" and "any," insert "90 per cent of."

Mr. PELL. Mr. Chairman and gentlemen of the committee, we can safely disregard opposition which is merely malicious; that is to say, opposition which is inspired only by a desire to injure the railroads. But there seems to be a great deal of very serious feeling here to the effect that it is possible that the Government may be badly "done" by some of the operations of this bill in its present form. Now, it appears to me that if we allow the Government merely to pay out 90 per cent of what under the best estimates of the Interstate Commerce Commission appears to be definitely due, leaving 10 per cent unpaid, that would be an ample guaranty against any future loss.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. PELL. Yes.

Mr. SNYDER. Does the gentleman mean 90 per cent of each claim or 90 per cent of all of them?

Mr. PELL. Ninety per cent of the total claims of each railroad.

Mr. SNYDER. Then you propose to hold 10 per cent back on each claim?

Mr. PELL. Approximately that, until the final accounting.

Mr. SNYDER. Then you do not want any of the claims settled?

Mr. PELL. No; until the final account with each railroad is made up I would hold back 10 per cent as a guaranty that the Government would not suffer any loss.

Now, in a great many cases a debt can be proved, but the offset may be considerably greater, and there may be no method for us to get our due. I am offering this amendment in the interest of justice; I do not want either the Government or the railroads to get more than their rights. Now, I propose to vote for this bill, whether this amendment goes through or not, but it seems to me that this amendment would be an improvement and to a certain extent safeguard the interests of the United States and not in any way injure the railroads. They would get 90 per cent of the money immediately, which is what they want, and the interests of the Government would be absolutely protected.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PELL. Certainly.

Mr. CANNON. The gentleman wants to hold out 10 per cent. Why not go further and hold out 30 per cent?

Mr. PELL. I think 10 per cent would be enough. I want to give the railroads all we can, with proper protection to the Government of the United States.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: At the end of the paragraph (b) insert the following: "Before making such payment or drawing such warrant based upon such estimate, unless it be upon a final payment, the Secretary of the Treasury may require the carrier to execute a contract, with such security as the Secretary of the Treasury may determine, providing that upon final determination of the guaranty under sections 204 and 209 such carrier will repay to the United States any amount which it may receive from such partial payment in excess of the guaranty, with interest at the rate of 6 per cent per annum from the time such excess was paid."

Mr. ESCH. Mr. Chairman, is not that the amendment which we have just voted down?

Mr. BARKLEY. That is practically the same thing, but there are some differences between this and the other one. This applies only to payments under subsection (b), these estimates that are provided, and it gives the Secretary of the Treasury discretion rather than making it mandatory.

Mr. Chairman, I offer that amendment. The necessity for it, it seems to me, is emphasized by striking out the provision carried in the amendment of the gentleman from Pennsylvania [Mr. DEWALT]. Prior to that amendment these estimates were final. They were binding between the Government and the railroads. The adoption of that amendment leaves them entirely open, so that they are subject to future adjustment. Surely nobody will contend that in making those payments by the Treasury Department, based upon estimates, which are not to be a final settlement, there should be any objection to the adoption of this amendment.

Mr. ESCH. It seems to me the adoption of the amendment of the gentleman from Pennsylvania makes it less necessary.

Mr. BARKLEY. No; because there may be a variable amount paid under these estimates. I can see no reason why, in paying out money on these disputed claims which are held in abeyance, the Government ought not to be given the protection of a bond for the payment of any excess, if it saw fit.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. BARKLEY. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—yeas 46, noes 95.

So the amendment was rejected.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 13, strike out all of subdivision (b).

Mr. JONES of Texas. Mr. Chairman, I move to strike out the entire subsection (b), because it seems to me that it is a sort of guessing contest, and I believe that too much money is involved to have the Government pay it out on estimates which, after all, are just a more or less intelligent matter of guessing.

There is a story to the effect that in a certain frontier part of the country they did not have any scales with which to weigh their hogs, so they adopted a scheme of taking rail fences, which were a numerous article in that country, and, balancing a rail on the top of a fence, they would tie up the hog by the hind feet on one end of the rail and a sack of rocks on the other end. Then they would keep on putting in rocks and more rocks and still more rocks until the hog and the rocks exactly balanced. Then they would take the whole thing down and guess at the weight of the rocks, and, of course, they knew the weight of the hog when they had guessed the weight of the rocks.

My friends, it is absurd to talk of the United States Government paying money to the railroads, a guaranty that is given to no other business on the face of the earth, on mere estimates. There is ample provision made in the first section of this bill for any payment of any sum that may be definitely ascertained.

And surely the Congress does not intend to vote money from the Treasury of the United States when it can not be definitely ascertained. Now, I think there is some question as to whether or not the Government should have given the guaranty at all; but most assuredly, when you concede the justice of that claim, then the rights of the people of the United States should be considered to the extent of demanding that the Interstate Commerce Commission know something about what it is doing when it pays out the money to the railroads. It seems to me that in view of the provisions in the first part of this measure that if the Interstate Commerce Commission can not ascertain definitely all that may be due, they are permitted to pay such items and such sums as they can ascertain are due—it is unwise to go further and provide that they shall pay sums when they do not know whether they are due or not. In many instances—and I dare say in most instances—if this money is paid, it will be paid to those companies and those roads from which it will be impossible for the Government ever to regain what may be unjustly paid or which may not be due. For that reason I think the merits of the bill, such as it may have, will not be interfered with by striking out subsection (b).

The bill carries hundreds of millions of dollars. This money must be paid by the taxpayers. Such claims as are definite and certain may be paid under the first section. Such sums as are not yet susceptible of definite ascertainment may well await such time as they may be made certain. Any business concern would require as much.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were—yeas 29, noes 105.

Accordingly the amendment was rejected.

Mr. SIMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMS: Page 2, line 22, after the word "settlement," add the following: "That all claims under the guaranty provisions of the transportation act not certified by the Interstate Commerce Commission prior to January 1, 1922, shall be forever barred."

Mr. SIMS. Mr. Chairman, I am not strenuous about the exact date, but there ought to be some limitation on the issuance of these certificates; so that both the Interstate Commerce Commission and the carriers will use reasonable diligence in trying to settle these claims and get them all settled and paid off by a definitely fixed date.

Mr. SWEET. Will the gentleman yield?

Mr. SIMS. I yield to the gentleman from Iowa.

Mr. SWEET. Does the gentleman's amendment relate to the time of filing with the Interstate Commerce Commission, or to the time when the Interstate Commerce Commission issues its certificates?

Mr. SIMS. It means that no certificate shall be issued by the Interstate Commerce Commission for a guaranty later than January 1, 1922. It gives them all this year.

Mr. SWEET. That simply means repudiation, does it not?

Mr. SIMS. Oh, not at all. It only means that there shall be some expedition in getting this matter settled. The commission have expressed themselves as being extremely anxious to get this matter off their hands. This is as to the guaranty. It has nothing whatever to do with the other rights of the railroads. All this does is to limit the time within which these guaranty claims may be certified and paid, so that we may have some expedition and get through with them. Unless there

is some limitation, nobody knows what it is going to lead to or when it will end.

Mr. WEBSTER. Will the gentleman yield?

Mr. SIMS. I yield to the gentleman from Washington.

Mr. WEBSTER. Under the provisions of the gentleman's amendment, even though a claim should be filed with the commission between now and January 1, 1922, if the commission should fail to certify it before that date the claim would be barred. In other words, the gentleman puts upon the holder of the claim the responsibility for any delinquency of the commission.

Mr. SIMS. Of course, the commission being a public official body, it is to be presumed that it will discharge its duty. I never would have thought there would be any question about that, but I am perfectly willing—

SEVERAL MEMBERS. Vote! Vote!

Mr. SIMS. I have the floor. You can show your contempt in some other manner and at some other time. I do not want the commission to refuse arbitrarily to certify these claims, or that they shall be lost on that account, but it is nothing but good legislation that a limitation be placed as to the time when these certificates may be issued. It ought to be done, and if this amendment in its phraseology is not satisfactory, of course, I will accept any amendment; but under the provisions of this bill they can issue certificates 20 years from now. This thing ought to be ended. We ought to know some time or other when this matter is going to end. That is good legislation.

It is the desire of the Interstate Commerce Commission that they get through with this thing. I do not mean that they have suggested this amendment, but I know they are anxious to finish up this work, and the railroads ought to be anxious to get what is coming to them. They have had five months now since the guaranty period expired, and my amendment proposes to give them practically another year. This amendment or some other similar amendment ought to be adopted. It is nothing but good legislation. It is nothing but justice to the public. If any gentleman has an amendment to offer that will accomplish the same purpose, I have no pride of authorship in the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. Sims].

The question being taken, the amendment was rejected.

Mr. GRIFFIN. Mr. Chairman, I wish to offer amendments.

The CHAIRMAN. The gentleman from New York offers amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. GRIFFIN: Page 1, line 9, after the word "for," insert the words "90 per cent of."

Page 1, line 12, after the word "certified," strike out the period and insert a semicolon and the following: "final payment of the 10 per cent remaining to be paid only when deferred debits and credits are fully audited and determined."

Mr. GRIFFIN. Mr. Chairman and gentlemen, if this bill consisted only of the first paragraph, I would not be so concerned about this amendment that I propose. The first paragraph is very carefully drawn, drawn with considerable acumen, and I might say with some degree of disingenuousness. Mark the language of this first paragraph. And I note that in the talks upon this measure to-day men with tears in their eyes have emphasized the fact that it is only a question of how much money we owe the railroads, that it is due them, and that you are playing fair when you insert the proviso "definitely ascertained." Of course, if the amount is definitely ascertained there is nothing to do but to pay it. That ought to satisfy any skeptic. That qualification is found in the first paragraph, which states:

In making certifications under section 204 or section 209, the commission, if not at the time able finally to determine the whole amount due under such section to a carrier or the American Railway Express Co., may make its certificate for any amount definitely ascertained by it to be due.

"Definitely ascertained to be due." That sounds good, that sounds reasonable. But do they really mean "definitely ascertained"? Now, you have got to read the whole bill together. Go to the second paragraph and you will find out how the amount is going to be "definitely ascertained" as to how much is due.

In paragraph B we find this: "The commission is authorized in case of deferred debits and credits which can not at the time be definitely determined." Mark that language: "Which can not at the time be definitely determined." And yet men have said it can be determined. "To make whenever in its judgment practicable a reasonable estimate of the net effect of any such items." What items? Debit and credit items, of course. In other words, your "definitely ascertained" turns out only to be a reasonable estimate. "A reasonable estimate," if

you please, but nevertheless an estimate, gentlemen, and upon that estimate you propose to pay the railroads partial payments up to the extent of 100 per cent.

Now, my amendment proposes that you put yourself in the place of the Government and reserve 10 per cent to safeguard the Treasury of the United States against possible error, fraud, deceit, or mistake.

Mr. SWEET. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. SWEET. The gentleman means in his amendment 90 per cent of the amount definitely ascertained?

Mr. GRIFFIN. Yes.

Mr. SWEET. What does the 10 per cent apply to?

Mr. GRIFFIN. I reserve 10 per cent so that the Treasury will be protected.

Mr. SWEET. What is it 10 per cent of?

Mr. GRIFFIN. My amendment does not use the term "10 per cent." It says in making partial payments you shall pay them up to 90 per cent of the so-called "reasonable estimate," and the Government will reserve 10 per cent.

Mr. SWEET. Ten per cent of the total amount?

Mr. GRIFFIN. Ten per cent of the "reasonable estimate" found to be "definitely ascertained." My amendment proposes in the estimate of the partial payments that you shall pay the railroads 90 per cent of the amount which the commission finds due at the specific time each partial payment is figured, keeping back 10 per cent until the final determination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Under the order of the House the committee will rise and report the bill to the House with an amendment.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15836) to amend the transportation act of 1920, and he reported the same back with an amendment.

The SPEAKER. Under the rule the previous question is ordered. The question is on the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DEWALT: Page 2, line 32, strike out the word "binding" and insert the words "prima facie but not conclusive as to their correctness in amount."

The question was taken; and on a division (demanded by Mr. ESCH) there were 121 ayes and 116 noes.

Mr. ESCH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 157, not voting 88, as follows:

YEAS—183.

Almon	Drane	Klecza	Padgett
Andrews, Nebr.	Drewry	Kraus	Park
Anthony	Dupré	Lampert	Parrish
Aswell	Eagan	Langley	Pell
Ayres	Eagle	Lanham	Phelan
Bankhead	Evans, Mont.	Lankford	Pou
Barbour	Evans, Nev.	Larsen	Quin
Barkley	Fairfield	Lazaro	Rainey, Ala.
Bee	Fields	Lea, Calif.	Raker
Bell	Fish	Lee, Ga.	Ramseyer
Black	Fisher	Leshner	Randall, Wis.
Bland, Va.	Flood	Luhning	Rhodes
Blanton	Frear	McAndrews	Robinson, N. C.
Bowers	French	McClintic	Robison, Ky.
Bowling	Gallivan	McDuffie	Romjue
Box	Garner	McKeown	Rouse
Brand	Garrett	McLaughlin, Mich.	Rubey
Briggs	Godwin, N. C.	McLaughlin, Nebr.	Rucker
Brinson	Griffin	McPherson	Sears
Browne	Hardy, Tex.	Magee	Sherwood
Buchanan	Hastings	Major	Siegel
Byrnes, S. C.	Haugen	Mansfield	Sims
Byrnes, Tenn.	Hays	Martin	Sinclair
Caldwell	Holland	Mason	Sisson
Campbell, Pa.	Howard	Mays	Small
Cantrill	Huddleston	Mead	Smithwick
Caraway	Hudspeth	Milligan	Stegall
Carrs	Hull, Tenn.	Minahan, N. J.	Stedman
Carter	Humphreys	Monahan, Wis.	Steele
Christopherson	Igoe	Montague	Steenerson
Clark, Mo.	Jacoway	Moore, Va.	Stephens, Miss.
Collier	James, Va.	Moore, Ind.	Stoll
Connally	Johnson, Ky.	Mott	Sullivan
Cramton	Johnson, Miss.	Neely	Summers, Wash.
Crisp	Johnson, S. Dak.	Nelson, Mo.	Summers, Tex.
Cullen	Jones, Tex.	Newton, Mo.	Swindall
Davis, Tenn.	Keller	O'Connor	Swope
Dewalt	Kelly, Pa.	Ogden	Tague
Dickinson, Mo.	Kettner	Oldfield	Taylor, Ark.
Dominick	King	Oliver	Taylor, Colo.
Doughton	Kinkaid	Overstreet	Taylor, Tenn.

Temple	Upshaw	Welling	Woodward
Thomas	Vinson	Welty	Wright
Tillman	Voigt	Wilson, La.	Young, N. Dak.
Tincher	Watkins	Wilson, Pa.	Young, Tex.
Tinkham	Weaver	Wingo	

NAYS—157.

Ackerman	Foster	Luce	Sanders, N. Y.
Anderson	Freeman	Lufkin	Schall
Bacharach	Fuller	McArthur	Scott
Begg	Glynn	McFadden	Sells
Benham	Good	McKenzie	Shreve
Benson	Goodykoontz	McKinley	Sinnett
Bland, Ind.	Graham, Ill.	McLeod	Slomp
Boies	Green, Iowa	MacGregor	Smith, Idaho
Britten	Greene, Mass.	Madden	Smith, Ill.
Brooks, Ill.	Greene, Vt.	Mann, Ill.	Smith, Mich.
Burdick	Griest	Mapes	Snell
Burroughs	Hadley	Merritt	Snyder
Butler	Hamilton	Michener	Stephens, Ohio
Campbell, Kans.	Hardy, Colo.	Miller	Stiness
Cannon	Hawley	Mondell	Strong, Kans.
Clary	Hernandez	Moore, Ohio	Strong, Pa.
Coady	Hersey	Morin	Sweet
Cole	Hickey	Murphy	Thompson
Cooper	Hicks	Newton, Minn.	Tilson
Crago	Hoch	Olney	Timberlake
Crowther	Houghton	Osborne	Towner
Curry, Calif.	Hull, Iowa	Paige	Treadway
Dallinger	Husted	Parker	Valle
Darrow	Hutchinson	Patterson	Vare
Davis, Minn.	Ireland	Peters	Volk
Dempsey	Jefferis	Porter	Volstead
Denison	Johnson, Wash.	Purnell	Walsh
Dickinson, Iowa	Jones, Pa.	Radcliffe	Wason
Dowell	Juhl	Ramsey	Watson
Dunbar	Kahn	Ransley	Webster
Dunn	Kearns	Reavis	Wheeler
Dyer	Kennedy, R. I.	Reber	White, Kans.
Echols	Kiess	Reed, N. Y.	White, Me.
Edmonds	Knutson	Reed, W. Va.	Williams
Elliot	Kreider	Ricketts	Winslow
Elston	Layton	Riddick	Wood, Ind.
Esch	Lehlbach	Rodenberg	Zihlman
Evans, Neb.	Linthicum	Rogers	
Fess	Little	Rose	
Fordney	Longworth	Rowe	

NOT VOTING—88.

Andrews, Md.	Doremus	James, Mich.	Rainey, Henry T.
Ashbrook	Ellsworth	Johnston, N. Y.	Rainey, John W.
Bakka	Emerson	Kelley, Mich.	Randall, Calif.
Baer	Ferris	Kendall	Rayburn
Bland, Mo.	Focht	Kennedy, Iowa	Riordan
Brooks, Pa.	Gallagher	Kincheloe	Rowan
Brumbaugh	Gandy	Kitchin	Sabath
Burke	Ganly	Loneragan	Sanders, Ind.
Candler	Gard	McCulloch	Sanders, La.
Carew	Goldfogle	McGlennon	Sanford
Casey	Goodall	McKiniry	Scully
Chindblom	Goodwin, Ark.	McLane	Smith, N. Y.
Clark, Fla.	Gould	Maher	Stevenson
Classon	Graham, Pa.	Mann, S. C.	Venable
Copley	Hamill	Moon	Vestal
Costello	Harrell	Mooney	Walters
Currie, Mich.	Harrison	Mudd	Ward
Dale	Hayden	Nelson, Wis.	Whaley
Davey	Hersman	Nicholls	Wilson, Ill.
Dent	Hill	Nolan	Wise
Donovan	Hoey	O'Connell	Woods, Va.
Doolling	Hulings	Perlman	Yates

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CLASSON with Mr. HAYDEN.

Mr. YATES with Mr. KINCHELOE.

Mr. McCULLOCH with Mr. RAYBURN.

Mr. VESTAL with Mr. SCULLY.

Mr. WILSON of Illinois with Mr. NICHOLLS.

Mr. HILL with Mr. STEVENSON.

Mr. Copley with Mr. Woods of Virginia.

Mr. HARRELD with Mr. DOREMUS.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. McKEOWN. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The Clerk read as follows:

Mr. McKEOWN moves to recommit the bill H. R. 15836 to the Committee on Interstate and Foreign Commerce with instructions to that committee to report the same forthwith, with an amendment as follows: On page 2, in line 22, after the word "settlement," strike out the period and add:

"Provided, That no carrier nor the American Railway Express Co. shall declare a dividend after receiving a partial payment under this act until such carrier or express company shall first make settlement of all valid final judgments unpaid at the time of payment to such carrier or express company."

Mr. ESCH. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken.

Mr. McKEOWN. Mr. Speaker, I demand a division.

The House proceeded to divide.

Mr. McKEOWN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Oklahoma demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-seven Members; not a sufficient number, and the yeas and nays are refused. The question is on agreeing to the motion to recommit, on which the gentleman from Oklahoma demands a division.

The House divided; and there were—ayes 74, noes 189.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Will it be in order after this announcement of the vote to make a demand for a yeas-and-nays vote?

The SPEAKER. It has already been refused. The motion to recommit is disagreed to. The question is on the passage of the bill.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. REAVIS. Mr. Speaker, I demand the yeas and nays on this vote.

The SPEAKER. Sixty-one gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

Mr. KETTNER. The other side?

Mr. BLANTON. Mr. Speaker, I ask for the other side. Sixty-one is one-fifth of the membership present.

The SPEAKER. It is one-fifth of those present. So the Chair thinks the easiest way is to count those present. [After counting.] Three hundred and eleven Members are present. Not a sufficient number, and the yeas and nays are refused and the bill is passed.

On motion of Mr. ESCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15962, and, pending that motion, I ask the gentleman from Montana [Mr. EVANS] if we can agree upon time. I ask unanimous consent that the time for general debate be equally divided between the gentleman from Montana [Mr. EVANS] and myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time for general debate be equally divided between himself and the gentleman from Montana [Mr. EVANS]. Is there objection?

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Has the gentleman asked unanimous consent relative to the time of general debate?

Mr. GOOD. No; I have not, because I think we can get along with about two hours of general debate. That can be fixed to-morrow morning.

Mr. McCLINTIC. Then the only request is in reference to the division of time?

The SPEAKER. That is all. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the House resolving itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15962, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15962, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15962) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, inasmuch as the deficiencies provided for in this bill for the Postal Service amount to \$57,561,948.39, I may be pardoned for occupying a few minutes of the time of the committee. This totals more than one-

fourth of the total of the bill. The total of the bill is given at \$203,000,000. The first important item of deficiency is under the First Assistant Postmaster General, for temporary and auxiliary clerk hire, \$7,000,000. I have no doubt that is a proper item. The next is for screen-wagon, city delivery, and collection services, \$1,000,000. This will make the appropriation for motor vehicle service nearly \$20,000,000. When the parcel post was established in 1913 this item amounted to about \$2,000,000, so that there has been an enormous increase in the expense of Government owned and operated vehicle service, which has been substituted for the contract service in the last three or four years. In the office of the Second Assistant Postmaster General the first item is \$35,030,000, inland transportation by railroad routes. That is the largest item of deficiency.

Last year there was a hearing on the third deficiency bill in which the Post Office Department asked for \$8,000,000 deficiency on account of the remaining four months of that fiscal year in which the railroads were operated by the owners. The first eight months in the fiscal year they were operated by the Railroad Administration, and therefore the increased rates granted by the Interstate Commerce Commission did not apply as to this appropriation, and in asking for that appropriation they said that the increased rate would amount to \$30,000,000 per year, and that for the one-third of a year that was remaining they would get along with \$8,000,000. This year we appropriated \$59,886,000, and they are now asking for \$35,000,000 more. I examined the hearings before the Committee on Appropriations to see why this abnormal increase in this item was asked. They said it was because of the increased rate for railway mail pay granted by the Interstate Commerce Commission. Still last year they only estimated that that would amount to \$30,000,000 a year and they only asked for \$8,000,000, which would be at the rate of \$24,000,000 a year. Now they are asking for nearly \$36,000,000. That can not be explained by reason of the increased volume, although there has been considerable increase. The last one-third of fiscal year 1920 was under the increased rates, and yet the expenditure was only at the rate of \$83,000,000, while now they ask for a deficiency that will make the total of nearly \$96,000,000, the same as they are asking for next year.

They also stated that they had entered into contracts under the clause of the appropriation act which said that where the service by air could be obtained at no higher rate than transportation by rail, they could enter into contracts for carrying the mail in that way. These contracts, however, although they should have been performed, have not yet been performed. The date fixed for the beginning of the service was January 31, but they have granted them additional time, as I understand, awaiting the action of Congress. There was no further explanation before the Appropriation Committee. So last Saturday I called a meeting of the Committee on the Post Office and Post Roads and held a hearing on this subject. At that hearing it was explained that this contract service cost upwards of \$5 per mile, and they carried from 250 to 400 pounds of mail. They admit that it cost more than carrying it by rail. They claim there is economy in another direction, namely, in the saving of car space. I put experts on the stand and it was figured out that these contracts which call for \$685,000 per year will cost 90 times as much as it would to carry the mail by railroad. And it also appeared that the saving in car space would be insignificant, less than \$25,000 a year at the very utmost.

So that it would appear from this evidence that they have not let these contracts in accordance with the authority given them by Congress, for that authority was on condition that it should be rendered at no higher rate of pay than charged by the railroads. And I hold the opinion that, in estimating, they have no right to take into consideration the saving in clerk hire and such things in the Railway Mail Service, because this thing relates to transportation of the mail and transportation of mail by aeroplane is analogous to transportation of mail by railroads in what they call the closed-pouch service. Even allowing that it costs more than in the distributing-car service, there is no comparison between the cost.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. MADDEN. Does the gentleman know of any place where they have saved in hire of clerks?

Mr. STEENERSON. No; the testimony is that they have not.

Mr. MADDEN. We authorized 2,725 additional clerks in the last appropriation bill and 800 carriers, and there were 800 additional carriers put on during the year. That makes about 4,300.

Mr. STEENERSON. The gentleman is correct. But the most astounding explanation that was forthcoming for the carrying

on of this air mail service was found when we asked Mr. Corridon, now the Chief of the Railway Adjustment Bureau in the Post Office Department, by what authority they were now conducting a Government-operated air-mail line between Washington and New York and between Chicago and Minneapolis and another line. They are conducting those and paying it quarterly or monthly out of the appropriation for the railway mail transportation, and their excuse was this section in the current Post Office appropriation law, which they claim is permanent law:

That the Secretary of War is authorized hereafter, in his discretion, to deliver and turn over to the Postmaster General, without charge therefor, from time to time, such motor vehicles and airplanes and parts thereof, and machinery and tools to repair and maintain the same, as may be suitable for the use of the Postal Service, and the Postmaster General is authorized to use the same in the transportation of the mail, and to pay the necessary expenses thereof, including the replacement, maintenance, exchange, and repair of such equipment, out of any appropriation available for the service in which such vehicles or airplanes are used.

Now, mark those words, "out of any appropriations available for the service in which such vehicles or airplanes are used." There is not now any appropriation for airplane service, except one, and that is from New York to San Francisco, where we appropriated one million and a quarter of dollars. Outside of this contract service, which I have already explained, there is another provision for carrying mail over the ocean, or water, to be paid out of the appropriations for transportation of mail by steamboats. Of course, that has nothing to do with this. So there is no appropriation for any route between New York and Washington, or anywhere else, except this transcontinental route; and when the Post Office bill was reported to the Senate and for the first time the transcontinental route was put in there and authorized, the chairman of the committee explained that that was the only air line that Congress was going to authorize. And we all believed that that was the only line.

Mr. MADDEN. And it was the only one we did authorize, was it not?

Mr. STEENERSON. It was the only one we did authorize; but they claim they can use this clause to justify them in taking the money out of the appropriation for inland transportation of mail by railroads. And they have done so to the tune of \$485,000, and it will be \$800,000 before we get through with the fiscal year.

The law is well established. Congress alone under the Constitution has authority to establish post offices and post roads. But the mere existence of that power in Congress does not constitute an exercise of it. Before there can be a post road established Congress must declare what is a post road. It has declared various things to be post roads. It has declared that all roads—public roads over which the mail is carried—are post roads. It has declared that the inland waters of the United States are post roads. But it has never anywhere declared that the air in general was either a "route" or a post road. It could do so, and that would justify the expenditure of money on any route that the Post Office Department might establish. Not having declared the air in general to be a post road—either a post road or a post route—there is no authority whatever for the Postmaster General to spend one dollar in maintaining mail service except on the route that Congress in the act for the current year has described; that is, from New York to San Francisco. It is an illegal expenditure of money, and if the matter is ever brought, as I believe, to the Comptroller of the Treasury, or into the courts, it will be so held. There is absolutely no authority, because this section 3 of the current appropriation act is not sufficient.

I will here insert the statutes on the subject:

[Postal Laws and Regulations.]

SEC. 1305. The following are established post roads:

All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads which are now or hereafter may be in operation.

All canals during the time mail is carried thereon.

All plank roads during the time the mail is carried thereon.

The road on which the mail is carried to supply any courthouse which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster General for extending the line of posts to supply mails to post offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters.

2. All public roads and highways while kept up and maintained as such are hereby declared to be post routes. (Act Mar. 1, 1884.)

NOTE.—Prior to the act of March 1, 1884, all post roads were established by specific acts of Congress; but inasmuch as all public roads and highways, while kept up and maintained as such, are now post routes, this is no longer necessary.

SEC. 1307. The Postmaster General shall provide for carrying the mail on all post roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper.

Congress, in addition to the establishment of "post roads" as above, has established "post routes" between designated points in States and

Territories, has declared certain bridges to be "post routes," and "all public roads and highways while kept up and maintained as such" to be "post routes." (Acts of Mar. 6, 1882, 22 Stat., 13; Mar. 3, 1883, 22 Stat., 572; June 27, 1882, 22 Stat., 114; Feb. 22, 1883, 22 Stat., 432; Mar. 3, 1883, 22 Stat., 460; Mar. 1, 1884, 23 Stat., 3.)

As to those "post routes" not "established by law," it authorizes as follows:

"The Postmaster General may, when he deems it advisable, contract for the transportation of the mails to and from any post office; but where such service is performed over a route not established by law, he shall report the same to Congress at the meeting next thereafter, and such service shall cease at the end of the next session of Congress, unless such route is established a post route by Congress." (Sec. 3975, Rev. Stat.)

It will thus be seen that only temporary service is authorized on a "route," whereas the Postmaster General has authority to establish or contract for permanent service on a "post road."

Now I shall move to reduce, unless the chairman of the committee will do so, this appropriation by at least a million and a half dollars, because evidently that is the amount they expect to use for this illegal purpose, and if we grant this deficiency it amounts to a sanction and a legalization of it. There is the difficulty. If this appropriation had been segregated, and if you had put in here \$1,500,000 for aerial mail service, or to pay these contracts, specifying the routes, a point of order could have been good against it; we could have eliminated it on a point of order, because it is not authorized by law. But we can not do it here, because here is a general appropriation bill, and there is \$35,000,000 of deficiency in the appropriation for the transportation of inland mails by railroad routes, and they expect to use the increase they will get from the deficiency appropriation for this illegal purpose. Therefore the only remedy that I can see, if we do not want to sanction an illegal use of the public funds, is to reduce the appropriation so that they can have only enough to satisfy the authorized expenditures of the Post Office Department in the transportation of the mail by railroads.

Of course, the appropriation for a transcontinental route is there, and they do not claim any deficiency there. They say they do not propose to create a deficiency. It is \$1,250,000, and it is ample to carry on that service until the end of the fiscal year, so that there will be no hardship if we reduce the estimate, because the Government is carrying on this service itself, under the assumed authority of this section 3, which does not authorize it. They are drawing warrants on the Treasury based on this section.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. CONNALLY. Do I understand the gentleman from Minnesota to be opposed to any kind of air mail service?

Mr. STEENERSON. Not at all. I was the first man in Congress to propose it.

Mr. CONNALLY. Then why is the gentleman complaining about the Post Office Department establishing at least an experimental air service?

Mr. STEENERSON. It is a sacred principle that no department should spend public money except as authorized by Congress.

Mr. CONNALLY. Did not Congress make an appropriation for this?

Mr. STEENERSON. No; Congress did not authorize it.

It is illegal on its face, as unauthorized by law. As to the second class of air mail, the contract service, there is a different question involved. The clause in the current Post Office appropriation act, under which contracts involving \$689,000 annual outlay, is as follows:

For inland transportation by railroad routes, including increases hereinafter provided, \$59,886,822: *Provided*, That not to exceed \$1,250,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mail conveyed under special arrangement in freight trains or otherwise: *Provided further*, That the Postmaster General may contract with any individual, firm, or corporation for an airplane mail service between such points as he may deem advisable, and designate, in case such service is furnished at a cost not greater than the cost of the same service by rail, and shall pay therefor out of the appropriation for inland transportation by railroad routes.

The testimony before the Post Office Committee, extracts from which I insert, shows that Government-operated airplanes carrying from 250 to 400 pounds of mail cost \$1.35 per mile, which, with maximum load, will amount to \$6.75 per ton-mile as against 10 cents per ton-mile, estimated cost in a distributing car, or sixty-seven times as much. Mr. Ryan, president of the Railway Mail Association, said the cost was ninety times as high by Government-operated planes. According to figures given by Mr. Egge, of the air mail service, before the Appropriations Committee it costs 2.4 cents for every letter carried, or 4 mills more than the total postage.

The contracts entered into by the department with Mr. Lawson under the above-quoted provision to carry mail from Pittsburgh to St. Louis, New York to Atlanta, and New York

to Chicago are at a lower rate than it costs on Government-operated lines, as will appear from Mr. Ryan's analysis. He gives total annual cost by Lawson contracts for 1,500 pounds of mail on these routes as \$685,000 per annum, and by rail \$84,492.12, or an excess of \$600,507.88.

No service has yet been performed under these contracts, and in view of the above facts it is to be hoped they will be canceled and vacated as illegal and void. At this time, when postal revenues fall far short of paying running expenses of the service, it would seem the height of folly to throw away \$600,000 on such an enterprise.

It will set a bad example, for if one city or two cities get this service every other city of importance will want it, and there will be millions wasted. The transcontinental line was given chiefly for military reasons, and these do not apply to air service in general.

[Statement of Edward J. Ryan, president of the Railway Mail Association.]

I have a statement here which I would like to read:

Contracts are reported to have been executed by the Second Assistant Postmaster General and the Lawson Airplane Co. for aerial mail service on the following routes, 306 round trips per annum:

New York and Chicago, via Pittsburgh, 908 miles.....	\$238,000
New York and Atlanta, via Washington, D. C., 861 miles.....	300,000
Pittsburgh and St. Louis, via Indianapolis, 620 miles.....	147,000

The above mileage is railroad mileage between the designated points. Contracts for transporting mail by airplane operated by individuals, firms, or corporations may be made under provision of law approved April 24, 1920, which reads as follows:

"That the Postmaster General may contract with any individual, firm, or corporation for an airplane mail service between such points as he may deem advisable and designate, in case such service is furnished at a cost not greater than the cost of the same service by rail, and shall pay therefor out of the appropriation for inland transportation by railroad routes."

Under such provision the cost of such service must not exceed the cost of the same service by rail.

The maximum capacity of any plane in use is 1,500 pounds. Very few of the planes are of such capacity, and reported loads now carried are under 500 pounds. Giving the air service the benefit of the maximum load of 1,500 pounds, let us compare the cost of such service by rail on the routes selected for air service. According to the report of the Interstate Commerce Commission, the average load of a 60-foot storage car is 12,500 pounds. One thousand five hundred pounds of mail transported by mail in a baggage car, which would be similar service to that performed by aerial service, would require a 7-foot unit of space of closed-pouch service. The cost of a 7-foot unit of closed-pouch space is 6½ cents per mile of service. The annual cost of such service on routes selected for aerial service is:

New York and Chicago, via Pittsburgh, 908 miles; 7-foot unit of closed-pouch space, \$113.50 round trip; 306 trips per annum, \$34,731.

New York to Atlanta, via Washington, D. C., 861 miles; 7-foot unit of closed-pouch space, \$85.12 round trip; 306 trips per annum, \$26,046.

Pittsburgh and St. Louis, via Indianapolis, 620 miles; 7-foot unit of closed-pouch space, \$77.50 round trip; 306 trips per annum, \$23,715.

New York and Chicago air service.....	\$238,000.00
New York and Chicago rail service.....	34,731.00

Excess cost of air over rail service.....	203,269.00
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New York and Atlanta air service.....	300,000.00
New York and Atlanta rail service.....	26,046.12

Excess cost of air over rail service.....	273,953.88
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Pittsburgh and St. Louis air service.....	147,000.00
Pittsburgh and St. Louis rail service.....	23,715.00

Excess cost of air over rail service.....	123,285.00
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Total cost of air service.....	685,000.00
Total cost of rail service.....	84,492.12

Unauthorized expenditure.....	600,507.88
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When this service is inaugurated there will no doubt be a report that a reduction in rail service has been possible on account of such aerial service. To offset the cost of such aerial service will necessitate the withdrawal of two 60-foot storage cars on each of these routes. The average loads of such cars is 25,000 pounds of mail, against the maximum load of 1,500 pounds of mail that can be carried by plane.

Table of the average loads carried in the several units of authorized mail space based upon a special weighing of the mails during the week, April 12 to 18, 1917, inclusive.

	Pounds.
Full railway post-office cars, 60-foot.....	5,079
Apartment mail cars, 30-foot.....	1,675
Apartment mail cars, 15-foot.....	536
Mail storage cars, 60-foot.....	13,114
Mail storage space, 30-foot.....	6,575
Mail storage space, 15-foot.....	3,726
Mail storage space, 7-foot.....	1,998
Mail storage space, 3-foot.....	795

The Second Assistant Postmaster General stated to the Senate Post Office Committee in January, 1920, that the saving in rail transportation on the New York to Atlanta route would be \$331,894 per annum. This would more than equal the cost of two 60-foot cars, with a liberal allowance for reduction in clerk hire, which in reality would be very little if a reduction in distributors only equaled the withdrawal of 1,500 pounds of mail. To carry the same amount of mail as could be carried by trains would require about 15 planes. The cost of air service would therefore be about ninety times that of rail service.

A study of existing air routes indicates that the reduction in corresponding rail routes has no relation to the amount of mail transported by plane. Distributing cars on the New York and Chicago railway post offices have been withdrawn that never carried one pound of the mail that was put on the planes.

Mr. PAIGE. Have you any figures showing the difference in the time of delivery at these places?

Mr. RYAN. I have a rough sketch. Take the line from New York to San Francisco, train 35, leaving New York at 8.40 p. m., say, Monday night, the airplane leaving at 6.30 the next morning. According to the latest information that train gets into Chicago the next evening at 8.02 p. m., while the plane gets there at 8.27 in the afternoon; the plane leaves at 6.30 and gets to Chicago at 8.27. Now, the train leaves Chicago at 8.40 and gets to Omaha at 9 o'clock next morning, while the plane leaves Chicago at 6 o'clock in the morning and gets to Omaha at 11.40 a. m., so that the same connection out of New York by train gets to Omaha before the plane, because the plane stops overnight at Chicago. The train arrives at 9.40 and the plane at 11.40.

Mr. HANDY. The plane simply catches up with the train ahead?

Mr. RYAN. Yes, sir. The train leaves Omaha at 9.40 and the plane at 11.40 and get to Cheyenne, the train at 8.57 and the plane at 4.25; then out of Cheyenne the train leaves at 9.12 and the plane at 5.30, and the arrival in San Francisco, the train at 12.30 p. m. and the airplane at 6.23 p. m. The saving in time as we have figured it out, practically the catching of the first delivery in the morning and the catching of the second delivery in the afternoon, because the airplane getting in at 6.25 the night before is too late to make delivery, whereas the train getting there at 12.30, the mail goes out that afternoon.

I would like to see them operate the airplanes right. I have no objection to them carrying mail; it is perfectly all right, but I think there ought to be a better report of some kind on the actual cost of the proposition, so that Congress would know exactly what is happening in the operation of the airplane routes. Let the Army operate the airplane routes, and let the department have available for them such mail as they can expedite, and let the Army get the experience to have it available for national defense. I have no objection to the carrying of mail by airplane routes, but I do not like to see reports submitted about its efficiency and the amount of car space saved by it, because I can tell you that you can take 400 pounds of mail and put it on the 1,000-mile run between New York and Chicago, where we have three distinct crew changes, changes at Syracuse and Cleveland, large trains and large crews, and I do not believe that from New York to Chicago, with the extent of the service and the number of men involved, they would ever know they had that 400 pounds of mail.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Iowa moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15962) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CANDLER of Mississippi (at the request of Mr. VENABLE), indefinitely, on account of illness in his family.

To Mr. STEENERSON, for two days, on account of important public business.

SURVEYS OF RIVERS AND HARBORS.

Mr. OSBORNE. Mr. Speaker, by direction of the Committee on Rivers and Harbors I submit a privileged report, and I ask that the minority report may be filed within the next five days.

The SPEAKER. The gentleman from California submits a privileged report, which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 16022) directing the Secretary of War to cause examinations and surveys to be made of certain rivers and harbors, and for other purposes.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union.

Mr. MANN of Illinois and Mr. GARRETT reserved all points of order on the bill.

The SPEAKER. The gentleman from Illinois and the gentleman from Tennessee reserve all points of order. The gentleman from California [Mr. OSBORNE] asks unanimous consent that the minority of the Committee on Rivers and Harbors may have five days in which to file minority views. Is there objection?

There was no objection.

DEATH OF REPRESENTATIVE BLACKMON, OF ALABAMA.

Mr. ALMON. Mr. Speaker, it becomes my painful duty to announce the death of my colleague, Hon. FRED L. BLACKMON, of the fourth congressional district of Alabama. At a future time I shall ask the House to set aside a day for exercises in memory of the life and character and public services of our late colleague. In the meantime I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 676.

Resolved, That the House has heard with profound sorrow of the death of Hon. FRED L. BLACKMON, a Representative from the State of Alabama.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. ALMON. I move the adoption of the resolution.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Messrs. DENT, ALMON, OLIVER, STEAGALL, HUDDLESTON, BANKHEAD, McDUFFIE, RAINEY of Alabama, BOWLING, BELL, RAMSEYER, ROUSE, RADCLIFFE, Sisson, JONES of Pennsylvania, LEE of Georgia, JACOWAY, and VENABLE.

ADJOURNMENT.

Mr. ALMON. Mr. Speaker, I offer the following further resolution.

The SPEAKER. The gentleman from Alabama offers a further resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned until Wednesday, February 9, 1921, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

403. A letter from the Secretary of War, transmitting from the Chief of Engineers fourth report under section 10, act of March 2, 1919, as to river and harbor contracts that have become inequitable and unjust (H. Doc. No. 997); February 7, 1921, referred to the Committee on Rivers and Harbors; February 8, 1921, ordered to be printed.

406. A letter from the Secretary of the Navy, transmitting copies of reports of useless executive papers on the files of navy yards and naval stations that have been disposed of; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 16008) granting certain lands to Converse County, Wyo., for a public park, reported the same with an amendment, accompanied by a report (No. 1302), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Reform in the Civil Service, to which was referred the bill (H. R. 15858) supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920, reported the same with amendments, accompanied by a report (No. 1303), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15934) to provide for the relief of certain employees of the Government who have become eligible for retirement under the provisions of the retirement act of May 22, 1920, and have thereafter been continued in the service or reemployed therein, reported the same without amendment, accompanied by a report (No. 1304), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OSBORNE, from the Committee on Rivers and Harbors, to which was referred the bill (H. R. 16022) directing the Secretary of War to cause examinations and surveys to be made

of certain rivers and harbors, and for other purposes, reported the same with amendments, accompanied by a report (No. 1305), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Illinois, from the Select Committee on Expenditures in the War Department, submitted a report (No. 1307) on the activities of the War Department in acquiring leather goods and equipment during the war, which said report was referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15526) granting a pension to Sarah M. Youngs, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PORTER: A bill (H. R. 18048) to authorize the establishment and maintenance of post-lantern lights and other aids to navigation on the Allegheny River, Pa.; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 18049) to amend the act approved February 7, 1916, entitled "An act to provide for the maintenance of the United States section of the International High Commission; to the Committee on Foreign Affairs.

By Mr. KING: A bill (H. R. 18050) to amend section 4 of the act of May 9, 1902, in regard to adulterated butter; to the Committee on Agriculture.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 18051) imposing income taxes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LINTHICUM: A bill (H. R. 18052) to protect fish not remaining the entire year within the waters of any State or Territory, and authorizing the Department of Commerce to define the seasons and regulate the manner and conditions under which they may be taken or destroyed; to the Committee on the Merchant Marine and Fisheries.

By Mr. REAVIS (by request): Joint resolution (H. J. Res. 467) designation of first week in April as "national corn-meal week"; to the Committee on Agriculture.

By Mr. PORTER (by request): Joint resolution (H. J. Res. 468) creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru; to the Committee on Foreign Affairs.

By Mr. FISH: Resolution (H. Res. 673) directing the Secretary of the Treasury to furnish the House of Representatives certain correspondence with foreign Governments; to the Committee on Ways and Means.

By Mr. STEVENSON: Resolution (H. Res. 674) providing for the consideration of House bill 15904; to the Committee on Rules.

By Mr. TOWNER: Resolution (H. Res. 675) for the immediate consideration of House bill 10925; to the Committee on Rules.

By the SPEAKER: Memorial of the Legislature of the State of Idaho, urging the passage of the McCumber bill, providing for the monthly payment of pensions to soldiers of the Civil War; to the Committee on Invalid Pensions.

By Mr. FULLER: Memorial from the Legislature of the State of Illinois, urging the passage of House bills 13558, 10835, 14815, and 14557, and Senate bill 4357, as recommended by the American Legion; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Memorial of the Legislature of the State of California, relative to the protection of the poultry industry in this country; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, relative to naturalization and property rights of aliens; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 18053) granting a pension to Esther H. Drake; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 18054) granting a pension to Cynthia Luttrell; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 18055) granting a pension to John M. Jackson; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 18056) granting a pension to Newton Ernest McElvain; to the Committee on Pensions.

By Mr. RIDDICK: A bill (H. R. 18057) for the relief of L. A. McMullen; to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 18058) to authorize the Commissioner of Patents to investigate the extension of a patent issued to Earnest W. Ladd, Hunter Arnold, William H. Rohrer, Harry L. Wheatley, B. M. McQuinn, and Thomas J. Farrar; to the Committee on Patents.

By Mr. TOWNER: A bill (H. R. 18059) granting an increase of pension to Millard F. Lash; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5579. By the SPEAKER (by request): Petition in reference to the plebiscite in upper Silesia; to the Committee on Foreign Affairs.

5580. Also (by request), petition of Kewanee Boiler Co., favoring House bill 15551; to the Committee on Coinage, Weights, and Measures.

5581. By Mr. CLASSON: Petition from citizens of the city of Appleton, Wis., requesting an amendment to the Volstead Act permitting the manufacture and sale of beer and light wines, also protesting against the so-called Sunday blue laws; to the Committee on the Judiciary.

5582. By Mr. DICKINSON of Iowa: Petition of sundry citizens of Charter Oak, Iowa, protesting against the occupation of Germany by French territorial troops; to the Committee on Foreign Affairs.

5583. By Mr. ESCH: Petition of American Chamber of Commerce of the Philippine Islands, favoring an amendment to the income tax law; to the Committee on Ways and Means.

5584. Also, petition of Rev. J. B. Durch, pastor St. Theresa's Church, Union Center, Wis., protesting against the Smith-Towner bill; to the Committee on Education.

5585. By Mr. FULLER: Petition of Barber-Colman Co., of Rockford, Ill., and the Western Glass Co., of Streator, Ill., favoring the passage of the Winslow bill, for partial payments of moneys due the railroads under the transportation act; to the Committee on Interstate and Foreign Commerce.

5586. Also, petition of John Holm and 68 others of Rockford, Ill., favoring beer and light wines and protesting against the Sunday blue laws; to the Committee on the Judiciary.

5587. Also, petition of Rev. M. Gensler, rector of Sts. Peter and Paul Church, and congregation, of Leonore, Ill., opposing the passage of the Smith-Towner bill; to the Committee on Education.

5588. By Mr. GALLIVAN: Resolution of Michael J. Perkins Post, No. 67, American Legion, South Boston, Mass., George F. Daly, adjutant, recommending that the Congress of the United States take proper action for the collection of interest, long overdue, on loans to foreign Governments, in order to provide funds for the payment of adjusted compensation to World War veterans; to the Committee on Ways and Means.

5589. Also, resolution of Mayor MacCurtin Council of the American Association for the Recognition of the Irish Republic, West Newton, Mass., protesting against the deportation of Lord Mayor Donal J. O'Callaghan, of Cork, Ireland; to the Committee on Foreign Affairs.

5590. Also, resolutions adopted by Michael Davitt Council, American Association for the Recognition of the Irish Republic, 349 Tremont Street, Boston, Mass., Michael A. O'Reilly, corresponding secretary, beseeching the Congress of the United States to take proper action to stop the atrocities perpetrated on the oppressed people in Ireland by the British Government; also protesting against the deportation of Lord Mayor Donal O'Callaghan, of Cork, Ireland; to the Committee on Foreign Affairs.

5591. By Mr. HUTCHINSON: Petition of Mr. Fred Bickel, jr., and sundry other citizens of Trenton, N. J., protesting against the occupation of German territory by French colonial troops; to the Committee on Foreign Affairs.

5592. Also, petition of Mr. Oscar Hoehne and sundry other citizens of Trenton, N. J., protesting against the occupation of German territory by French colonial troops; to the Committee on Foreign Affairs.

5593. By Mr. LAMPERT: Petition of the Trades and Labor Council of Fond du Lac, Wis., to establish trade relations with the Russian Government; to the Committee on Foreign Affairs.

5594. Also, petition from 600 Knights of Columbus members of Manitowoc, Wis., protesting against the Smith-Towner bill; to the Committee on Education.

5595. By Mr. LEHLBACH: Petition of sundry citizens of the tenth district of New Jersey, protesting against the occupation of Germany by the French colonial troops; to the Committee on Foreign Affairs.

5596. By Mr. O'CONNELL: Petition of Citizens' Medical Reference Bureau, New York, in opposition to compulsory medicine; to the Committee on Interstate and Foreign Commerce.

5597. Also, petition of the American Chamber of Commerce of the Philippine Islands, asking for an amendment of the income tax laws; to the Committee on Ways and Means.

5598. By Mr. OSBORNE: Petition of Thomas L. Cheek and 43 other citizens of Venice, Calif., requesting an amendment to the Volstead enforcement law and protesting against the so-called Sunday blue laws; to the Committee on the Judiciary.

5599. By Mr. PAIGE: Petition of sundry citizens of the third district of Massachusetts, opposing the Smith-Towner bill; to the Committee on Education.

5600. Also, petition of city council of the city of Fitchburg, Mass., relative to the exorbitant prices now being charged for coal; to the Committee on Interstate and Foreign Commerce.

5601. By Mr. RAKER: Petition of Maud I. Murchie, State supervisor of teacher training for home economics for the State of California, of Sacramento, Calif., and Agnes E. MacPherson, chairman home economics department, southern branch, University of California, urging support of the Fess bill, providing additional funds for home economics education; to the Committee on Education.

5602. Also, petition of Henry McManus, of Hot Springs, S. Dak., relative to the salaries of Congressmen, Senators, and the Vice President; to the Committee on Appropriations.

5603. By Mr. SNYDER: Petition of Knights of Columbus, of Ilion, N. Y., against the enactment of the Smith-Towner bill; to the Committee on Education.

5604. By Mr. TAGUE: Petition of commissioner of agriculture, A. W. Gilbert, of the department of agriculture of the State of Massachusetts, asking that the appropriation for controlling the European corn borer be put back to \$400,000; to the Committee on Appropriations.

5605. Also, petition of Michael Davitt Council, American Association for the Recognition of the Irish Republic, asking American recognition of the Irish republic and protesting against the deportation of Lord Mayor O'Callaghan; to the Committee on Foreign Affairs.

5606. Also, petition of the American Stay Co., of East Boston, Mass., regarding the packers' bill (S. 3944); to the Committee on Agriculture.

5607. Also, petition of members of the Mayor MacCurtain Council of the American Association for the Recognition of the Irish Republic, West Newton, Mass., protesting against the deportation of Lord Mayor O'Callaghan; to the Committee on Immigration and Naturalization.

5608. Also, petition of the St. Alphonsus Association, of Boston, Mass., and 5,000 citizens of St. Joseph's Church, of Boston, Mass., against the Smith-Towner bill; to the Committee on Education.

5609. Also, petition of Chamber of Commerce of the Philippine Islands, asking an amendment to the income tax laws; to the Committee on Ways and Means.

5610. By Mr. TINKHAM: Petition of certain citizens of Tollesboro, Ky., protesting against the right to vote being denied to certain classes of citizens; to the Committee on the Census.

5611. Also, petition of Maj. John McBride Council of American Association for the Recognition of the Irish Republic, Roxbury, Mass., asking the dismissal of Admiral Sims from the United States Navy; to the Committee on Naval Affairs.

5612. By Mr. YOUNG of North Dakota: Petition of the Frank X. Sczygiel Post, No. 32, of the American Legion, at Marion, the Gerald A. Hoskin Post, American Legion, at Oberon, and the Florence Kimball Post, No. 7, American Legion, at Lisbon, all in the State of North Dakota, favoring the enactment of legislation to provide better hospitalization facilities, etc., for disabled war veterans; to the Committee on Ways and Means.

5613. Also, petition of Northwestern Lumbermen's Association, of Minneapolis, Minn., favoring an amendment to the transportation act and protesting against the proposed duty on lumber imported from Canada; to the Committee on Interstate and Foreign Commerce.

5614. Also, petition of grain growers of North Dakota, in convention at Fargo, N. Dak., favoring the development of an economical method of marketing farm products; to the Committee on Agriculture.

SENATE.

WEDNESDAY, February 9, 1921.

Rev. J. J. Muir, D. D., the Chaplain, offered the following prayer:

Our Father, we bless Thee for all the mercies with which Thou art crowning our days. We look to Thee for help in the duties awaiting us, and ask where there is sorrow that there may be the balm of Thy presence and helpfulness. Amid all the contingencies of life may we know that a good and gracious God directs our ways to His own glory and for our good. We ask it in Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday, February 5, 1921, when, on request of Mr. McKELLAR and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINAL ASCERTAINMENT OF ELECTORS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, certificates of the governors of Mississippi, Tennessee, and Texas of the final ascertainment of electors for President and Vice President in their respective States at the election November 2, 1920, which were ordered to lie on the table.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The VICE PRESIDENT laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, his report for the fiscal year ended October 31, 1920 (being vol. 1), which was referred to the Committee on Finance.

DAMAGE CLAIMS FOR RIVER COLLISIONS (S. DOC. NO. 378).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a communication from the Secretary of War, submitting an estimate of appropriation in the sum of \$1,200.11 to pay claims for damages by river collisions, river and harbor work, which have been adjusted and settled by the Chief of Engineers, United States Army, which was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC-LAND WITHDRAWALS AND RESTORATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of withdrawals and restorations of public lands, which was referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhue, its assistant enrolling clerk, announced that the House had passed the bill (H. R. 15836) to amend the transportation act, 1920, in which it requested the concurrence of the Senate.

The message also announced that the House had passed with an amendment the bill (S. 578) providing for the survey of public lands remaining unsurveyed in the State of Florida, with a view to satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a joint resolution of the Legislature of Minnesota, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

A joint resolution relating to duty on lumber. (Introduced by Mr. Neuman).

Whereas the present housing shortage is a matter of deep national concern, the stimulation of home construction being a vital need of the Nation, and anything that would add to the already high cost of building should fall of legislative sanction; and
Whereas the cost of lumber production in the United States is lower than in any other country in the world, the American mill therefore needing no tariff to protect it; and
Whereas a duty placed on lumber imported from Canada would operate to increase the cost to the ultimate consumer and thereby permit the increased financial burden to thousands of farmers and home builders of this country for the benefit of a selected few; and
Whereas such a tariff is against the best interests and general welfare of the public, would compel excessive depletion of our own timber resources, and would invite retaliatory measures on the part of Canada to the extreme detriment of all lines of manufacture: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That the Senate and House of Representatives of the United States be, and they hereby are, urged to refrain from placing a duty on lumber imported from the Dominion of Canada; and be it further